

Personnel Policies



City of Emporia

Developed by the Administration
Department
J. Brannon Godfrey, Jr.
City Manager

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During the Administration of
Brian S. Thrower, City Manager

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INTRODUCTION

General

The City of Emporia provides services to meet the needs of the people it serves. These services include police protection, street construction and maintenance; refuse collection, water filtration and distribution, and building code enforcement among others. These many services call attention to the variety of skills required and the demanding nature of numerous positions. In providing these services, an attitude is instilled in each employee to perform their job as efficiently as possible in order to achieve the desired objective and to do so in such a manner that will bring credit not only to themselves but also to their municipal employer. Since the responsibility of each employee increases as the City enlarges, personnel administration is of major importance.

It is the purpose of this policy to provide a workable and progressive program of personnel administration, which will provide fair and equitable treatment for all municipal employees.

City Administration

The City of Emporia operates under the Council-Manager form of government. This form of local government clearly distinguishes between policy and administrative functions of government.

The City Council is responsible for all policy matters and controls the appropriation of funds, levies taxes, and contracts debt.

The City Charter provides for the appointment by the City Council of a City Manager to serve as the City's chief administrative officer and to administer City affairs in accordance with the wishes of the Council. The City Manager is appointed for an indefinite period and the City Council has the power to remove the City Manager at any time.

The City Manager is responsible for the general administration of all City business and those department heads specifically provided for in the City Charter report to the Manager. The manager carries out Council's plans and orders by coordinating the work of those departments and employees under the Manager's supervision. The City Manager enforces City laws and applies Council policies; the Manager expends funds as authorized by City Council in the annual City Budget; the Manager investigates and acts on complaints; and the Manager appoints, suspends, or removes City employees under Manager's jurisdiction.

Objective

The objective of this manual is to make known to all City employees the personnel policies of the City of Emporia. It has been written in an effort to assist all employees to understand their place in the City's program of service to the public. This manual has been designed so that all employees of the City of Emporia may know what the City expects of them and what they may expect in return.

This handbook is designed to provide you with information about working conditions, employee benefits, and some of the policies affecting your employment. You should read, understand, and comply with all provisions of the handbook. One of our objectives is to provide a work environment that is conducive to both personal and professional growth.

No employee handbook can anticipate every circumstance or question about policy. As the city continues to grow, the City reserves the right to revise, supplement, or rescind any policies or portion of the handbook from time to time as it deems appropriate, in its sole and absolute discretion. The only exception to any changes is our employment-at-will policy permitting you or the City to end our employment relationship for any reason at any time. Employees will, of course, be notified of such changes to the handbook as they occur.

Application

Unless otherwise stated, the personnel policies contained in this manual shall supersede any existing personnel policies in effect prior to the date of the publication of this manual.

The personnel policies contained in this manual shall apply to all City Departments and to all employees in the City Service except the constitutional officers and their employees.

City of Emporia

EMPLOYEE ACKNOWLEDGMENT FORM

The employee handbook describes important information about the City of Emporia, and I understand that I should consult the Personnel Office regarding any questions not answered in the handbook. I have entered into my employment relationship with the City of Emporia voluntarily and acknowledge that there is no specified length of employment. Accordingly, either I, or the city of Emporia can terminate the relationship at will, with or without cause, at any time, so long as there is no violation of applicable federal or state law.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the handbook may occur, except to the City's policy of employment-at-will. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Only the City Council of the City of Emporia has the ability to adopt any revisions to the policies in this handbook.

Furthermore, I acknowledge that this handbook is neither a contract of employment nor a legal document. I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it.

Employee Signature

Date

Employee Name (printed or typed)

IMPORTANT NOTICE

This folder is the property of the City of Emporia. Upon separation of employment from the City, this folder is to be returned to the Director of Human Resources. If you do not return it, you will be required to pay a reasonable fee that will be determined at the time of separation. Failure to return this folder or pay the fee will result in the City deducting the amount from your final payout.

YOU ARE REQUIRED TO PARTICIPATE IN AN EXIT INTERVIEW PRIOR TO SEPARATION FROM CITY SERVICE.

I HAVE READ AND UNDERSTAND THE CONTENTS OF THIS MEMO AND I AGREE TO ADHERE TO THE CONTENTS THEREOF.

Employee's Signature

Date

Witness Signature

Date

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Chapter I

Employment

- 1-1 **Recruitment** – The City Manager, through the Personnel Department, shall post and advertise vacancies to be filled in the Municipal Service in order to encourage qualified City employees to apply for upward classifications and to see new applicants for municipal employment. All applicants, including current City employees must possess the minimum qualifications to be considered for the position posted.
- All efforts will be made to ensure applicants for consideration of employment in the vacant position. In addition to posting within City facilities, vacancies will be advertised through the Virginia Employment Commission , local paper and other publications as deemed necessary to attract qualified candidates.
- 1-2 **Equal Employment Opportunity** – All employment by the City of Emporia will be on the basis of merit and qualification for the vacant position. The City will avoid favoritism, prejudice, and discrimination in all forms in the employment process. Politics, religion, sex, race, age, national origin or disability will not be a factor in consideration for employment, promotion, transfer, compensation, discipline, termination and access to benefits training.
- The City will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination and access to benefits and training.
- Any employee with questions or concerns about any type of discrimination is encouraged to bring these issues to the attention of their immediate supervisor or the Department Head. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.
- 1-3 **Procedure** – Application for employment shall be made on forms provided by the Personnel Department. Applications for a given position will only be issued during a recruitment period for existing vacancies.
- Application forms shall include information relative to residence, training, experience, references, and other pertinent information. Completed applications will be returned to the City Manager’s Office and accepted only prior to the recruitment period deadline.
- The City relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the City’s exclusion of the individual from further consideration for employment or if the person has been hired, termination of employment.
- 1-4 **Qualifications Standards** – The City Manager, with the advice of the Department Heads, shall establish reasonable minimum standards as to character, intelligence, training and education, ability to meet public and physical conditions necessary for

satisfactory job performance. General testing and selection procedures shall be developed by the City Manager's Office in cooperation with the department involved.

All police applicants must be a minimum age of 21 years.

- 1-5 **Residency** – The City Manager shall be required to reside within the corporate limits of Emporia within 12 months of appointment, as required by the City Charter. Individuals appointed to the positions of Police Chief, Emergency Services Coordinator/Director, Public Works Director, and Public Utilities Director shall also reside within the corporate limits of Emporia, Greensville County, or a 25 mile radius of the City within 12 months of appointment in order to provide timely response in emergency situations. This requirement shall only apply to individuals appointed to the aforementioned positions after March 1, 2011. All other employees including other department heads and the Assistant City Manager are encouraged to reside within the corporate limits of Emporia, Greensville County, or a 25 mile radius of the City but are not required to do so.

Any new or existing employee who chooses to reside outside the corporate limits of Emporia, Greensville County, or a 25 mile radius of the City and who drives a City vehicle shall keep that vehicle at his or her work site and shall not be permitted to drive that vehicle home. *Updated by City Council, October 21, 2014.*

- 1-6 **Relatives** – An application for full-time City employment will not be considered for appointment, if a member of the immediate family of such applicant, is employed by the same division. "Immediate family" includes children, siblings, spouse, parents, sister-in-law, brother in-law, mother in-law and father in-law. Uncles, aunts, and cousins are excluded unless exceptional circumstances are present. Determination of such circumstances is the duty of the department head and the City Manager's Office.

- 1-7 **Recommendations and Appointments** – Department and division heads shall, after thorough investigation of applicants for employment, recommend qualified applicants for appointment to the City Manager through the Personnel Department for vacancies existing within their departments or divisions. Appointments to positions with the City shall be made on the basis of standards prepared in accordance with Section 1-3, unless otherwise provided by City Ordinance or the Code of Virginia. The City Manager shall appoint all regular employees if the City covered by this manual. The Personnel Department will issue a letter of hire to the candidate with a copy to the respective department head. Certain positions may require a more extensive recruitment process.

- 1-8 **Immigration Law Compliance (I-9)** – The City will employ only United States citizens and aliens who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.

In Compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility.

- 1-9 **Regular Appointment** – Appointments to regular positions shall only be made when a vacancy in a regular classification exists or when additional positions are authorized, and all appointments shall be subject to a six (6) month probationary period of employment. Police personnel are subject to a twelve (12) month probationary period.
- 1-10 **Temporary Appointment** – Temporary Appointment shall not be for a term greater than three (3) months and shall not exceed six (6) months in any one year, except as provided in Section 1-11. Employment under a temporary appointment will not be counted as part of a probationary service unless the permanent appointment becomes effective at the expiration of the temporary appointment.
- 1-11 **Temporary Special Appointments**– Temporary appointments funded by an agency other than the City of Emporia may be for a term greater than the requirements of Section 1-10, but will not exceed the duration of funding.
- 1-12 **Emergency Appointment**–When an emergency exists and in order to prevent stoppage of public service or loss to the public, appointments may be made for a period not exceeding thirty (30) days. Emergency appointments shall be reported immediately to the City Manager.
- 1-13 **Probation Period** – The probationary period or working test period of six (6) months shall be served both by new employees and employees promoted to a higher classification. Newly hired police officers shall serve a twelve (12) month probationary period extended after the completion of field training. This period shall be regarded as an integral part of the examination process and shall be used to evaluate employee capabilities, work habits, and overall performance to promote the most effective adjustments of a new employee to his position and for rejecting an employee whose performance does not meet the work standards required.
- Either the employee or the City may end the employment relationship *at will* at any time during or after the probationary period, with or without cause or advance notice.
- Any significant absence will automatically extend a probationary period by the length of the absence. If the City determines that the designated period does not allow sufficient time to thoroughly evaluate the employee’s performance, the probationary period may be extended for a special period.
- New employees without medical coverage at the time of appointment shall receive City medical coverage starting the first day of the first full month of employment.
- Upon satisfactory completion of the probationary period, employees enter the “regular” employee classification.
- 1-14 **Employee Identification Card** – Upon commencement of employment, employees will be issued identification cards through the Department of Motor Vehicles (DMV). This ID card shall serve as preliminary verification that the person whose photograph appears on the card is an employee of the City. Employees are required to carry the ID card with them at all times while on duty. *Effective July 1, 2006*

Chapter II Position Classification Plan

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Chapter II

Position Classification Plan

- 2-1 **Definitions** – For the purpose of this chapter, the following are used:
- (A) A **position** is a group of currently assigned responsibilities requiring the full or part-time employment of one person. A position may be occupied or vacant.
 - (B) A **class** is a group of positions (or one position) that has (1) similar duties and/or responsibilities, (2) require like qualifications and (3) can be equitable compensated by the same salary range.
 - (C) The **class title** is the official designation or name of the class as stated in the class specification. It shall be used on all personnel records and actions. Working or office titles may be used for the purpose of internal administration.
- 2-2 **Responsibility of Administration** – The City Manager or his designee shall be responsible for administering the position classification plan.
- 2-3 **Allocation of New Positions** – The department or division head shall complete a position description covering the duties and responsibilities of each proposed position. The City Manager shall allocate the position to one of the classes in the position classification plan. If a suitable class does not exist, he shall recommend that establishment of a new class; and after the adoption of the new class by the City Council as provided in Section 2-8, he shall allocate the position to it.
- 2-4 **Allocation of Appeals**- If an employee has facts that indicate to him that his position is improperly allocated; he may request the City Manager to review the allocation of his position. Such request shall be submitted in writing through the department or division head, and shall allocate the position to it.
- 2-5 **Maintenance of Plan** – The department and division heads shall be responsible to bring the attention of the Personnel Director any material change in the duties, responsibilities, working conditions or other factors affecting the classification of any position. In addition:
- (A) Each time a vacancy occurs, a position description shall be completed and submitted to the City Manager for a review of allocation of the position. This requirement may be waived by the City Manager in cases where changes in the duties and responsibilities of a position have been unlikely.
 - (B) Each time a department or division is reorganized, position descriptions for all affected employees should be submitted to the City Manager for his review.
 - (C) The City Manager may require departments or employees to submit position descriptions on a periodic basis, or any time he has reason to believe that there has been a change in the duties and responsibilities of one or more positions.
 - (D) Each time a new class is established a class specification shall be written and incorporated in the existing plan. The class title shall be added to the schematic

list of titles. Likewise an abolished class shall be deleted from the position classification plan by removing the class and eliminating the class title from the schematic list of titles.

- (E) Two years after the adoption of this policy the City Manager shall conduct a general review of the position classification plan, to be followed by a minimum of at least one general review in each succeeding two-year period.

2-6 **Interpretation of Class Specifications** – The class specifications are descriptive and not restrictive. They are intended to indicate the kinds of positions, which shall be allocated to the classes established. If a series of classes such as the police classes, the specifications for all classes should be reviewed as a unit.

2-7 **Official Copy of the Position Classification Plan** – The City Manager shall be responsible for maintaining an official copy of the position classification plan. The official copy shall include regulations for administration, schematic list of class titles, and class specifications plus all amendments thereto. A copy of the official plan shall be available for inspection under reasonable conditions during business hours.

2-8 **Amendments to the Position Classification Plan** – Each time a new class of positions should be established or a current class of positions abolished, the City Manager shall submit his findings and recommendations to the City Council. It shall determine whether the establishment and/or the abolition of a class is in order. Such changes shall take the form of amendments to Section 2-9 of this regulation.

2-9 **Allocation of Existing Positions** – The positions covered by the position classification pay plan are hereby allocated to appropriate classes in accordance with the allocation lists of this policy. The City Manager shall notify each employee of the allocation of his position in writing. Specific classifications and grade information is available for general review in the City Manager’s Office.

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Chapter III

Pay Plan

- 3-1 **New Appointee** – A new employee shall be paid the minimum rate of pay for his class. Exceptions may be granted upon the prior approval of the City Manager in the following classes:
- (A) The minimum rate for each class is based upon the assumption that a new employee meets the minimum qualifications stated in the class specification. If it becomes necessary to appoint a new employee with fewer qualifications, he should be started at one or possibly two steps below the minimum rate of the class.
 - (B) On the other hand, if a new employee more than meets the minimum qualifications he may be appointed at the second step or in unusual cases at a still higher step. Cases should be thoroughly analyzed and measured against objective standards. In addition, every effort should first be made to recruit a qualified employee who will accept appointment at the minimum rate of the class.
- 3-2 **Promotions**– When an employee is promoted to a position in a higher classification or his/her classification has been revised due to the assignment of additional duties or responsibilities, his/her salary shall be increased to the minimum rate of the higher classification or by two steps, whichever is greater. *Amended by City Council February 7, 2012*
- 3-3 **Demotions** – When an employee is demoted to a lower class position, he shall be paid at the rate that is within the approved range for the lower class position. The rate of pay shall be set by the City Manager.
- 3-4 **Reallocations Downward** – When an employee’s position is reallocated to a lower class position, the employee shall be permitted to continue at his present rate of pay during the period incumbency (except in THE event of general service wide reductions), but shall not be entitled to a salary increase, except as provided in the lower class.
- 3-5 **Part-Time Employment** – When employment is on a part-time basis, only the proportionate part of the rate for the time actually employed shall be paid.
- 3-6 **Emergency Reassignment** – Any employee may be reassigned to a related or unrelated position, division, or department by the City Manager during extreme emergency conditions. Such reassignment shall continue only for the duration of the emergency.
- 3-6.1 **Temporary Upgrade** – To ensure continuation of service and department productivity, temporary upgrades will be necessary at times to fill temporarily vacated positions with current *qualified employees*.
- Guidelines** – A temporary upgrade occurs when a current qualified employee is assigned to temporarily perform the job responsibilities of a vacated position that is at a higher classification than that of the employee’s current position. The department’s hiring official is responsible for determining if there is a need for filling a temporarily vacated position and for selecting the employee to fill that position.

- A. A temporary upgrade is generally for no less than thirty (30) working days and no longer than twelve (12) months.
- B. A temporary upgrade is considered when the position is vacant and recruitment for the position is in progress or is expected to occur in the near future. A temporary upgrade is also considered when an employee temporarily vacates a position for one of the following reasons: Approved FMLA, Indefinite Military Leave, Approved Educational Leave, Approved LWOP. Approved leave due to illness/injury not covered by FMLA, Special Assignments or other circumstances to be reviews on a case-by-case basis.
- C. A Temporary Upgrade request is made in writing by the department head and submitted to the City Manager for approval, then sent to the Human Resources Department to initiate the employee's pay adjustment process.

Pay Rate and Salary Adjustments – *Exempt employee acting in a department head position:* In the event that the person being temporarily upgraded is currently earning more than the minimum salary for the new grade, the salary adjustment will be a ten (10) percent increase in salary. Under no circumstances will an employee get less than a ten percent increase. *Nonexempt employee and other exempt employees acting in upgraded positions:* The pay rate will normally be at the minimum of the upgraded classification. In the event that the person being temporarily upgraded is currently earning more than the minimum salary for the new grade, the salary adjustment will be a five (5) percent increase in the hourly rate. Under no circumstances will an employee get less than a five percent increase. When an employee returns to the previous position at the end of the upgrade period, the employee's current supervisor is responsible for contacting the Human Resources Department to make the adjustment to the employee's pay status and position title in accordance with the pay scale of the previous position. *Approved by the City Manager January 24, 2006.*

3-7

Overtime and Compensatory Time – Non-exempt employees working a standard workweek of forty (40) hours shall receive either overtime payment in the form of cash or compensatory time at one and one-half times (1.5) their regular rate of pay for all hours worked in excess of forty (40) hours in a standard workweek. Overtime pay and compensatory time calculations shall be based on the combination of actual hours worked and all sick, annual, holiday, and PTO leave utilized within the workweek.

Non-exempt police shift employees shall receive either overtime payment in the form of cash or compensatory time at one and one-half times (1.5) their regular rate of pay for all hours worked in excess of eighty (80) hours in a pay period. Overtime pay and compensatory time calculations shall be based on the combination of hours worked and all sick, annual, holiday, and PTO leave utilized within the workweek.

Hours worked shall include time spent working the City's selective enforcement program and for required work related court appearances.

Compensatory time for all non-exempt employees must be paid if not used within sixty (60) days. Non-exempt employees must be permitted to use compensatory time on the date requested unless doing so would unduly disrupt the operations of the department.

Exempt employees shall receive compensatory time on an hour for hour basis for all hours worked outside of normal working hours, as required or deemed necessary by his or her supervisor. Exempt employees are required to use accrued compensatory time within twelve (12) months from the date the time is earned or the time shall be forfeited. Under no circumstance shall an exempt employee be paid for any accrued compensatory time.

Overtime and compensatory time shall be accrued and taken in 30 minute increments.

All overtime and compensatory time work must receive supervisory approval prior to working the additional hours.

Employees should contact the City Manager's Office for clarification of their exempt/non-exempt status. *Amended by City Council December 1, 2015.*

3-7.1 RESERVED FOR FUTURE USE

3-7.2 Salary Differential for Armed Forces Active Duty Personnel Employees: City employees who are called to active duty will receive a salary supplement if the active duty service pay falls below the employee's active City pay.

3-8 Payroll Week – Payroll shall be based on a bi-weekly schedule for all employees. There shall be twenty-six (26) pay periods per year.

3-9 Timekeeping – Federal and state laws require the City to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

Nonexempt 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.

3-10 RESERVED FOR FUTURE USE

3-10A RESERVED FOR FUTURE USE

3-11 Employee Performance Evaluations – Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. A formal written performance evaluation will be conducted prior to the end of an employee's initial period of hire, known as the probationary period, to determine if the employee will be retained as a regular employee. An evaluation is also performed on employees who have been promoted.

Additional formal performance evaluations are conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weakness, recognize and encourage strengths, and discuss positive, purposeful approaches for meeting goals. Performance evaluations are scheduled approximately every twelve (12) months, coinciding generally with the anniversary of the employee's original date of hire.

The City awards merit-based pay increases in an effort to recognize good employee performance. The decision to award such an increase is dependent upon numerous factors, including the proper documentation and funding in the budget.

3-12 Pay Plan – The City’s Pay Plan is based on Grades 1 to 30. Each position in the Position Classification Plan (Chapter 11) is assigned to a grade based on similar duties, responsibilities and requirements. Each Grade has fifteen (15) steps labeled A to O. An employee will move along the steps with merit increase until he reaches Step O, which is the end of his Grade. Employees who are at the end of their Grade are eligible for a lump-sum payment in lieu of a merit increase, which is equivalent to a step increase and payable on their anniversary date depending on their evaluation and inclusion in the budget.

3-13 Interpretation – The City Manager shall be responsible for interpreting the application of the plan to pay problems, which are not specifically covered by this resolution.

3-14 Review and Amendment of Salary Plan – Prior to the annual submission of the budget to the Council, the City Manager shall have completed a review of the pay plan and submit his findings, together with recommended amendments, to Council in conjunction with the annual budget.

3-15 RESERVED FOR FUTURE USE

3-16 RESERVED FOR FUTURE USE

3-17 Standby: Standby is time that a designated non-exempt employee must remain available to report to work during off-duty hours, in accordance with their department operating procedures, but is normally not unduly restricted in their freedom to conduct personal business. An employee on stand-by is not required to remain at work or home and is free to engage in personal pursuits, with the understanding that they must be available by phone or pager to respond and remain in condition to report to work. A non-exempt employee assigned to stand-by shall be compensated as follows for the stand-by time:

1. Two hours straight time compensatory time off for each day, Monday through Friday, or regular work day of the employees assigned regular schedule.
2. Four hours straight time compensatory time off for each 24 hour period on Saturday, Sunday, observed holiday or other regularly scheduled day off.
3. Standby is straight time compensatory time off and may not be paid or considered in the 40 hours used to calculate overtime.

If an employee on standby is called out to work, they will be compensated for specific hours actually worked or one hour(s) time whichever is greater, beginning at the time they report to work.

Each department shall identify the positions subject to stand-by assignment and establish written operating procedures, subject to review and approval by the City Manager. *Adopted by City Council with an effective date of October 15, 2005.*

3-18

Call Back: Call back refers to situations when an employee is off duty and is called back to work to deliver services required to protect the immediate safety, security or well-being of the community. All employees are subject to call back for emergencies. Non-exempt employees will be compensated at time and one-half for actual hours worked or one hours pay, whichever is greater. Compensatory time may be offered, but if not used by a non-exempt employee in 60 days the time must be paid at the overtime rate. *Adopted by City Council with an effective date of October 15, 2005.*

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Chapter IV

Training

- 4-1 **Required Training** – Employees may, from time to time be required to attend technical conferences and short courses of training which will promote their general knowledge of their department and its functions. When an employee is required to attend such training courses, they will be given a paid leave of absence and the City will pay for all expenses incurred in connection with attendance, such as travel expense, cost of meals and lodging, tuition costs, and textbook costs.

Newly hired City Police Officers who are not certified, are required to attend the Police Academy. The employee must meet the minimum standards set forth by the Commonwealth of Virginia. Tuition, classroom materials, ammunition, all required fees and reasonable meal expenses will be paid by the City. An employee that has completed and graduated from the Police Academy will be required to remain employed with the City for eighteen (18) months upon graduation date. If the employee decides to leave employment less than the eighteen (18) months after graduation date, the employee will be required to pay back the City in full for tuition, classroom materials, ammunition, all required fees, meal expenses, etc.

- 4-2 **Optional Training:** All employees are encouraged to participate on a voluntary basis in additional job-related educational training, which will increase their knowledge and skill in their particular profession. Employees desiring to participate in such training activities must obtain the approval of their department or division head. Department or division heads will determine if the proposed training course is job-related; that it is in line with the employee's educational background; and that the employee will be able to cope successfully with the added workload. The City will not pay any expenses incurred by the employee in connection with such training.

Department or division heads will, where possible and practical, adjust the employee's work schedule in order to permit him/her to participate in such training. The employee will not be allowed time off from work to attend this type of training course.

While educational assistance is expected to enhance an employee's performance and professional abilities, the City cannot guarantee that participation in formal education will entitle the employee to automatic advancement, a different job assignment, or pay increases.

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Chapter V

Promotions, Demotions and Commendations

- 5-1 **Basis for Promotion** – An employee may be eligible for promotion when, (1) an existing authorized classification position becomes vacant, or (2) his/her classification has been revised due to the assignment of additional duties or responsibilities.

The promotion of any employee shall be based on his/her demonstrated ability to perform the duties of the new classification, an evaluation of the employee by his/her supervisor, and/or the successful completion of an oral and/or written examination.

No employee shall be eligible for promotion to a higher classification in his/her department unless he/she meets the minimum qualifications for the position, except for the convenience of the City and only upon written recommendation of the department head and written approval of the City Manager. *Revised by City Council October 18, 2011.*

- 5-2 **Compensation** – When an employee is promoted to a position in a higher classification or his/her classification is revised due to the assignment of additional duties or responsibilities, his/her salary will be adjusted as provided in Chapter III of this policy. *Amended by City Council February 7, 2012*

- 5-3 **Eligibility** – Employees serving in temporary or emergency positions shall not be eligible for promotion and shall not be paid higher than the minimum rate.

- 5-4 **Commendation** – The City Manager may at the recommendation of the department head commend an employee for exceptional service and/or performance. Such commendation may be in the form of, but not limited to, a one-merit step increase, certificate of accomplishment, or compensatory time if the work involved excessive hours or extreme effort. Under no circumstances may the City Manager award more than one compensatory day per incident or more than one merit step in any one calendar year without City Council approval.

- 5-5 **Economic Demotions** – Economic demotions will be made when budget shortfalls exist. Employees with greater seniority will be demoted to fill lesser positions. Employees in lower positions will be laid off until their positions are funded again.

- 5-6 **Disciplinary Demotions** – Disciplinary demotions will be made for violations of published rules or regulations established by the City Council, the City Manager, or the department head. (See Chapter VI for additional information regarding discipline.)

- 5-7 **Procedure** – The department shall recommend in writing a demotion, promotion, or commendation of an employee. Such recommendation shall be accompanied by substantial documentation. Recommendation lacking such documentation shall not be approved.

The City Manager's Office shall review the recommendation and issue the appropriate letter to the employee, if approved. An unapproved recommendation shall be returned to the department with comment for further review and consideration. The date and monetary elements of the action shall be coordinated by the City Manager's Office with the department.

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Discipline

The City'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.

6-1 **Progressive Discipline:** Although employment with the City is based on mutual consent and both the employee and the City have the right to terminate employment at will, with or without cause or advance notice, the City may use progressive discipline at its discretion.

Disciplinary action may call for any of four (4) 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 suspension; and, still another offense may then lead to termination of employment.

The City 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.

While it is impossible to list every type of behavior that may be deemed a serious offense, we have listed in Section 6-8 some examples of problems that may result in immediate suspension or termination of employment.

By using progressive discipline, we hope that most employee problems can be corrected at an early stage, which will benefit both the employee and the City.

6-2 **Discipline of Department Heads:** For the purpose of Sections 6-3 through 6-11, if the employee requiring disciplinary action is a department head, then all procedures, which are required to be taken by department heads pursuant to the aforesaid sections, shall be carried out by the City Manager.

6-3 **Warning:** When, in the opinion of the department head, the employee appears to be setting a pattern of work which could make him subject to disciplinary action, the department head will call the employee in and give him verbal or written warning of his substandard performance. Warning forms are available in the City Manager's Office. All warnings shall be signed by the issuer and the employee receiving the warning. The warning shall be signed by the department head if he is not the issuer of the warning. A copy of all completed warning forms shall be sent to the City Manager's Office for review and placed in the employee's personnel file.

6-4 **Suspensions:** Suspensions are temporary separations from service for disciplinary purposes where the case is not sufficiently grave to merit dismissal. The department

head must recommend the suspension of the employee to the City Manager's Office for approval if the suspension is in excess of the one day as provided in Section 6-7.

6-5 **Demotions:** Demotions are necessary in order that employees whose work has been unsatisfactory but who do not deserve dismissal may be retained and assigned less difficult work. Furthermore, in this way the employees whose services are satisfactory are retained, and those in lower classes are laid off in the event that a decrease of work makes it necessary to reduce personnel. (See Chapter V for the proper procedure for demotions.)

6-6 **Dismissals:** Dismissals will be made for inefficiency, insubordination, misconduct, or other just cause. A department or division head, subject to the approval of the City Manager, may dismiss any employee in his department or division at any time.

The department or division head recommends dismissal in written form with documentation supporting such action. Upon approval of dismissal, the City Manager's Office will issue formal notice to the employee of such action with a copy to the department. Letters of termination shall include requirement of exit interview (at the discretion of the Administration), reasons for termination, and date of termination.

6-7 **Procedure for Disciplinary Action:** Except under certain specific circumstances, disciplinary actions shall be recommended in writing to the City Manager's Office including a detailed review of the offense and accompanied by all relevant documentation including warnings, time sheets, etc. The City Manager's Office shall attempt to respond to the department's recommendation within one (1) business day. Such response shall either approve the recommendation or suggest other action(s). The department shall notify the City Manager's Office of the dates of suspension or wage loss.

The department shall be authorized to suspend an employee for one day on an automatic basis for tardiness, drunkenness, or other situation which makes the employee unacceptable for work that day. Suspension of additional days shall be approved in a manner consistent with that described above.

6-8 **Causes of Suspension, Demotion Or Dismissal:** For the purposes of reference only, an employee may be suspended, demoted, or dismissed for, but not limited to the following reasons:

- A* If convicted of a felony or of a misdemeanor involving moral turpitude.
- B* Knowingly or willfully violates the laws of the United States, the Commonwealth of Virginia, the ordinances of the City of Emporia, County of Greensville, or other municipality of the Commonwealth, or any departmental rule or regulation.
- C* Willfully, wantonly, unreasonably, unnecessarily or through culpable negligence has been guilty of brutality or cruelty to an inmate or prisoner in City custody, provided the act committed was not necessarily or lawfully done in self-defense, or to protect the lives of others, or to prevent the escape of a person lawfully in custody.

- D. Violates any of the provisions or regulations of this manual.

- E* If offensive in his conduct or language in public or toward the public, City officials, or fellow employees either on or off duty.
- F. Fails to obey any proper direction or order made and given by a superior officer.
- G* Possession, distribution, sale, transfer, or use of alcohol or illegal drugs (or under the influence of such substances) in the workplace, while on duty, or while operating City-owned vehicles or equipment.
- H. Becomes afflicted with any disease or has any physical ailment or defect which in the opinion of the City Manager and the department or division head, after confirmation by a physician, unfits him for City service, if reasonable accommodations cannot be provided without causing undue hardship for the City.
- I. If incompetent or inefficient in the performance of the duties of his position, including, but not limited to, tardiness, unreasonable absenteeism or any absence without notice, sleeping during working hours, and/or violation of safety regulations.
- J* If careless or negligent with the monies or other property of the City or takes any property of the City for his own personal use or for sale or gifts to others.
- K* If involved in gambling on City property.
- L. If used or threatened to use or attempted to use improper personal or political influence including, but not limited to, blackmail and/or bribery in securing promotion, leave of absence, transfer or change in pay rate.
- M. Induces or has attempted to induce an officer or employee in the service of the City to commit an unlawful act or to act in violation of any lawful departmental or official regulation or order.
- N* Takes for his personal use from any person any fee, gift, or other valuable thing in the course of his work or in connection with it, when such gift or other valuable thing is given in the hope or expectation of receiving a favor or better treatment than that accorded other persons. Nor shall he accept bribes, gifts, tokens, monies, or other things of value intended as an inducement to perform or refrain from performing any official act. Nor shall he engage in any action of extortion or other means of obtaining money or other things of value through his position in the City.
- O. Divulges or discusses any City business not having previously been made public or discloses confidential information to any person unless directed to do so by his department head or gives out interviews or makes public speeches concerning information not previously made public.
- P* Participates in any kind of work slowdowns, sit down, or similar concerted interference with City operations.

- Q* Possesses or uses unauthorized firearms, explosives, or dangerous weapons.
- R* Falsifies any records, including, but not limited to, vouchers, time cards, insurance claims, leave records, or other official City documents.
- S* Fights or threatens violence in the workplace.
- T. Sexual or other unlawful or unwelcome harassment.

* Causes, which may subject any employee to immediate suspension, demotion or dismissal.

Under normal conditions, violations of items D, F, H, I, L, O, and T shall not warrant disciplinary action unless and until the employee has received at least one prior written warning in a manner consistent with Section 6-3 of this policy. This is not to preclude immediate disciplinary action if the violation is determined to be of an extremely serious nature.

Nothing in the above shall limit the exercise of disciplinary measures warranted by actions and events not listed in items “A” through “T”. The degree of such measures shall be determined by the City Manager in consultation with the department head.

6-9 **Reports:** All disciplinary action taken by any department or division head shall be reported in full, immediately to the City Manager. In cases of suspension for any reason noted in these or future published regulations, the department head must give the employee a written notice of his suspension including in detail the reason or reasons therefore.

6-10 **Appeals:** Any employee who has been suspended, demoted or dismissed who shall consider himself aggrieved may file an appeal in accordance with the “Grievance Procedure” contained in the Personnel Policy, Section 6-13.

6-11 **Investigations:** Upon receiving a report of a violation of the law or a violation of a departmental or disciplinary regulation as set forth in this chapter, from a member of the City Government or from any citizen, the department or division head will investigate. The investigation will be made with the purpose of ascertaining the true facts relative to the circumstances surrounding the alleged offense. In the investigation of a written complaint, a copy of the complaint, and report of investigation will be forwarded to the City Manager.

6-12 **Discipline of Law Enforcement Officers:** The discipline of law enforcement officers shall be conducted as set forth in Chapter 10.1 of the Virginia Code, the City’s Drug-free Workplace Policy, or the grievance procedures (Section 6-13 through 6-13.4) as may be applicable under the circumstances.

6-13 **Grievance Procedure**

6-13.1 **Coverage:** In accordance with the Code of Virginia, this Grievance Procedure is hereby set out for all regular, non-probationary, classified City employees both full-time and part-time, with the following exceptions (Note: Classified employees hold positions

that are included in the City's Pay and Classification Plan. Regular employees are employees who fill "permanent" positions.)

Those employees exempted from this grievance procedure are:

- A. Appointees of elected City Officials.
- B. Officials and employees who by charter or other law serve at the will or pleasure of an appointing authority.
- C. Assistant City Manager and all Department Heads as executive assistants to the City Manager.
- D. City Manager as the chief executive officer.
- E. Employees whose terms of employment are limited by law.
- F. Temporary, limited term and seasonal employees.
- G. Law enforcement officers as defined in Chapter 10.1 (Section 2.1 – 116.1 et seq. of the Code of Virginia) of Title 2.1 who are subject to the provisions of Chapter 10.1 and who have elected to proceed pursuant to those provisions in the resolution of their grievance, or any other employee electing to proceed pursuant to any other existing procedure in the resolution of his grievance.

The City Manager, or his designee, shall determine the officers and employees excluded from the grievance procedure. A list of exempted positions is maintained in the Personnel Office.

Employees of local social service departments and boards, community service boards, constitutional officers, redevelopment and housing authorities created pursuant to Section 36-4, and regional housing authorities created pursuant to Section 36-40 shall be included within and covered by a grievance procedure to the extent and in the manner provided by Section 2.1 – 114.5: IC of the Code of Virginia.

6-13.2

Definition:

- A. For the purposes of this section, a "grievance" shall be defined as a complaint or dispute by an employee relating to his employment including, but not necessarily limited to:
 1. Disciplinary actions including dismissals, disciplinary demotions, and suspensions provided that the dismissals shall be grievable whenever resulting from formal discipline or unsatisfactory job performance.
 2. The application of personnel policies, procedures, rules and regulations, ordinances and statutes.
 3. Actions of retaliation for using the grievance procedure or participation in the grievance of another City employee.
 4. Complaints of discrimination on the basis of race, color, creed, age, sex, political affiliation, national origin, or disability.

5. Acts of retaliation because the employee has complied with any law of the United States or of the Commonwealth, 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.

B. Non-grievable complaints under this procedure are:

1. The contents of ordinances, statutes or established personnel policies, procedures, rules and regulations.
2. Work activity accepted by the employee as a condition of employment or work activity which may be reasonably expected to be part of the job content.
3. Establishment and revision of wages or salaries, position classification, or general benefits.
4. Failure to promote, except where the employee can show established promotional policies or procedures were not followed or fairly applied.
5. The methods, means and personnel by which work activities are to be carried out.
6. Discharge, demotion, suspension or lay-off because of lack of work, reduction in workforce or job abolition, 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. In any grievance brought under this exception, the action shall be upheld upon showing by the City that (1) there was a valid business reason for the action, and (2) the employee was notified of such reason in writing prior to the effective date of the action.
7. The hiring, promotion, transfer, assignment and retention of employees.
8. The relief of employees from duties in emergencies.

C. Grievability and Access

1. At the written request of the appropriate level supervisor or grievant, decisions regarding whether or not a matter is grievable and access to the procedure shall be made by the City Manager, or his designee, on Form C (available from the Personnel Department). Such decision shall be made within ten (10) days of such requests. A copy of the ruling shall be sent to the grievant.

The issue of grievability may be raised at any time prior to the panel hearing, and once raised, the issue must be resolved before further processing of the grievance. The issue of

grievability must be addressed before a grievance qualifies for a panel hearing. Neither the City Attorney nor the Attorney for the Commonwealth shall be authorized to decide the question of grievability.

2. The classification of a complaint as non-grievable shall not be construed to restrict any employee's right to seek or management's rights to provide customary administrative review of complaints outside of the scope of the grievance procedure.
3. The decision of the City Manager, or his designee, may be appealed to the local circuit court for a hearing on the issue of whether the grievance qualifies for further processing at the next appropriate step in the procedure. Proceedings for review of the decision of the City Manager shall be instituted by the grievant by filing a notice of appeal with the City Manager within ten (10) working days from the date of receipt of the City Managers decision and a copy given to all other parties.

Within ten (10) calendar days thereafter, the City Manager or his designee, shall transmit to the Clerk of the local circuit court: a copy of the City Manager's decision, a copy of the notice of appeal, and exhibits. A list of the evidence furnished to the court shall also be furnished to the grievant.

The failure of the City Manager or his designee to transmit the record shall not prejudice the rights of the grievant. The court, on motion of the grievant, may issue a writ of certiorari requiring the City Manager to transmit the record on or before a certain date.

4. 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 City Manager or his designee and such additional evidence as may be necessary to resolve any controversy as to the correctness of the record. The court, in its discretion, may receive such other evidence as the ends of justice require. The court may affirm the decision of the City Manager or his designee or may reverse or modify the decision. The decision of the court shall be rendered no later than the fifteenth (15) day from the date of the conclusion of the hearing. The decision of the court is final and is not appealable.

A. General Requirements:

1. All stages of grievance procedure beyond part A of the first step shall be in writing on forms supplied by the Personnel Department. The employee's written statement of the grievance must specify the relief he expects to obtain through the use of the grievance procedure.
2. Personal face-to-face meetings are required at all steps.
3. With the exception of the final management step, the only persons who may normally be present in the management step meetings are the grievant, the appropriate manager, and appropriate witnesses for each side. Witnesses shall be present only while actually providing testimony.
4. At the final management step, the grievant, at his option, may have present a representative of his choice. If the grievant is represented by legal counsel, the City likewise has the option of being represented by counsel.

B. Compliance:

1. After the initial filing of a written grievance, failure of either party to comply with all substantial procedural requirements of the grievance procedure, including the panel hearing, without just cause, shall result in a decision in favor of the other party on any grievable issue, provided the party not in compliance fails to correct the non-compliance within five (5) working days of receipt of written notification by the other party of the compliance violation. Such written notification by the grievant shall be made to the City Manager, or his designee.
2. The City Manager, or his designee, at his option, may require a clear written explanation of the basis for just cause extensions or exceptions. The City Manager, or his designee, shall determine compliance issues. Compliance determinations made by the City Manager shall be subject to judicial review by filing a petition with the circuit court within thirty (30) days of the compliance determination.
3. Time frames may be extended by mutual agreement of the City Manager and the grievant.

C. Management Steps:

Grievances as defined in Section 6-13.2 shall be processed in the following manner:

First Step: Supervisor Level

Part A.

Within twenty (20) days after the occurrence of the condition giving rise to the grievance, the employee affected may identify the grievance verbally to the employee's immediate supervisor in an informal meeting. Within five (5) work days of such presentation, the supervisor shall give his/her response to the employee with respect to the grievance.

Part B.

If a satisfactory resolution is not reached by this process, the employee should reduce the grievance to writing, identifying the nature of the grievance and the expected remedy on Grievance Form A, available in the Personnel Office. Such written grievance should be presented to the immediate supervisor within ten (10) working days of the supervisor's verbal reply. The supervisor must then reply in writing on Form A within ten (10) working days.

Second Step: Department Head

If a satisfactory resolution is not reached at the first step, the employee may so indicate on the grievance form and submit the grievance to the next level of supervision within five (5) working days. A meeting to review the grievance shall be held between the employee and the second level supervision within five (5) working days.

The only persons to be present at this meeting are the grievant, the second step manager, and appropriate witnesses. Where witnesses are permitted to remain in the hearing for one side, witnesses for the other side shall also be permitted to remain.

A second step written reply to the grievance shall be provided on Form A to the employee within five (5) working days after the second step meeting.

Third Step: City Manager

If a satisfactory resolution is not reached at the second step, the employee may submit the grievance to the City Manager. Submission to the third step must occur within five (5) working days of the second step reply. The City Manager will meet with the employee within five (5) working days.

The persons to be present at this meeting are the grievant, the City Manager, appropriate witnesses and, at the grievant option, a representative of his choice. If the grievant is represented by legal counsel, the City likewise has the option of being represented by counsel.

The City Manager shall render on Form A, a written reply to the grievance within five (5) working days following the third step meeting.

A. Advancement to Panel Hearing

1. If the reply from the step three procedure is not acceptable to the grievant, he may submit the grievance to the panel hearing. The request for a panel hearing shall be indicated on Form B (available in the Personnel Office), and submitted to the City Manager. The request must be submitted within ten (10) working days of the City Manager's final reply in step three.
2. If the issue of Grievability has not been addressed prior to the panel hearing, the City Manager, or his designee, must decide the issue before a grievance qualifies for the panel hearing.

B. Panel Selection

1. The City Manager shall be responsible for panel selection and scheduling the panel hearing.
2. The panel shall be composed of three members and shall be chosen in the following manner: one member appointed by the grievant, one member appointed by the City Manager, and a third member selected by the first two. The third panel member shall be the chairperson of the panel.
3. Such panel shall not be composed of any persons having direct involvement with the grievance being heard by the panel, or with the complaint or dispute giving rise to the grievance. Supervisors who are in a direct line of supervision of a grievant, persons residing in the same household as the grievant and the following relatives of participants in the grievant process are prohibited from serving as panel members: spouse, parent, child, descendants of a child, sibling, niece, nephew and first cousin. No attorney having direct involvement with the subject matter of the grievance, nor a partner, associate, employee or co-employee of the attorney shall serve as a panel member.
4. The employee and management panel members shall be selected within five (5) working days of receipt of Form B by the City Manager. The full panel must be selected by the tenth (10) working day of receipt of Form B. If a decision cannot be agreed on for the third panel member, the City Manager shall within the next five (5) working days request the chief judge of the local circuit court to select a third panel member.

C. Panel Procedures:

1. The full panel shall set the time and the place for the hearing, and the panel chairman shall immediately notify the grievant and the City Manager. The hearing shall be held no later than ten (10) working days following selection of the full panel.
2. The parties should not discuss the grievance with any panel members prior to the hearing. All communication with the panel shall be in writing with copies to all parties.

3. Both the grievant and the respondent may call upon appropriate witnesses and be represented by legal counsel or other representatives at the panel hearing.

Such representatives may examine, cross examine, question and present evidence on behalf of the grievant or respondent before the panel without being in violation of the provisions of Section 54.1-3904 of the Code of Virginia. The grievant must bear any cost involved in employing representation or in preparing or processing his case, regardless of the outcome.

4. The panel is not bound by the relief specified by the grievant on Form A. The panel shall render its decision on Form B along with its reasons for such decision, and distribute copies to the grievant and the City Manager within ten (10) working days of the conclusion of the hearing.

D. Rules for Panel Hearings:

1. The panel does not have the authority to formulate or to change existing policies or procedure. The panel does have the responsibility to interpret the application of appropriate City policies and procedures in the case.
2. The panel has the discretion to determine the propriety of attendance at the hearing by persons not having a direct interest in the hearing, and, at the request of either party, the hearing shall be private.
3. Management must provide the panel with copies of the grievance record prior to the hearing, and provide the grievant with a list of the documents furnished to the panel; and the grievant and his attorney, at least ten (10) days prior to the scheduled panel hearing, shall be allowed access to and copies of all relevant files intended to be used in the grievance proceeding.
4. Panels have the authority to determine the admissibility of evidence without regard to the burden of proof, or the order of presentation of evidence, so long as full and equal opportunity is afforded to all parties for the presentation of their evidence.
5. All evidence is to be presented in the presence of the panel and the parties, except by mutual consent of the parties.
6. Documents, exhibits and lists of witnesses shall be exchanged between the parties in advance of the hearing.
7. The majority decision of the panel, acting within the scope of its authority, shall be final and binding and consistent with provisions of existing law and written policies and procedures.
8. The panel shall render its decision on Form B along with its reasons for such decision, and distribute copies to the grievant and the City Manager within ten (10) working days of the conclusion of the hearing.
9. Other provisions may be added that may facilitate fair and expeditious hearings, with the understanding that the hearings are not intended to be conducted like proceedings in courts, and that rules of evidence do not necessarily apply.
10. Recorders (mechanical or clerks) may be used at the panel hearing.

E. Implementation of Panel Decisions:

1. The question of whether the relief granted by a panel is consistent with written policy shall be determined by the City Manager, or his designee, unless such person has a direct personal involvement with the event or events giving rise to the grievance, in which case the decision shall be made by the local attorney for the Commonwealth.
2. The City Manager is responsible for implementation of panel decisions. Either party may petition the local circuit court for an order requiring implementation of the panel's decision.
3. Management shall make sure that copies of the decision are transmitted to the Personnel Director, the employee and the employee's supervisor.
4. If a written request to reconsider the panel decision is submitted by either party within five (5) working 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.

Grievance Form

Form A

Grievant _____ Position _____

Date Submitted _____ Date Grievance Occurred _____

Nature of Grievance:

Specific Relief Expected:

First Step Remedy:

Supervisor

Date

Second Step Remedy:

Supervisor

Date

Acceptable

Not Acceptable

Third Step Remedy:

Supervisor

Date

Acceptable

Not Acceptable

Grievant

Date

Panel Hearing Form

Form B

Grievant _____ Date of Submission _____

Nature of Grievance:

Reason for Requesting Panel Hearing:

Decision of Panel Hearing:

Date of Hearing: _____ Place of Hearing: _____

Panel Members: _____ (Employee Selection)
_____ (City Selection)
_____ (Selected by other Panel Member)

Issue: _____

Decision and Award: _____

_____ Panel Member

_____ Panel Member

_____ Panel Member

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Chapter VII

Employee Relations

7-1 **Attendance and Punctuality:** To maintain a safe and productive work environment, the City 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 the City. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their supervisor as soon as possible in advance of the anticipated tardiness or absence.

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

7-2 **Customer Service:** Employees must give prompt, courteous attention to all citizens who call with a complaint or a question. If he cannot answer the question or handle the complaint, the person should be referred to someone who can, or take the caller's name and number or address for a response later.

City telephones were installed to speed or ease the transaction of City business. Therefore, personal telephone calls should be kept to a minimum. Employees will be required to reimburse the City for any charges resulting from their personal use of the telephone, cellular phone, fax, or UPS.

7-3 **Personnel Meetings:** The City Manager is authorized to hold regularly scheduled meetings with City personnel.

7-4 **Political Activity:** Any employee, other than those subject to popular election, in the City Service shall not:

- A. Continue his position after becoming a candidate for nomination or election to any public office when such office is inconsistent with his City position.
- B. Solicit any monetary contribution to the campaign funds of any candidate for office or to the campaign funds of any political organization during regular working hours, nor make any monetary contribution to any municipal political campaign of any candidate for municipal office.
- C. Take an active part in a municipal political campaign.
- D. Act as a worker at the polls or distribute badges, pamphlets, dodgers, or handbills of any kind favoring or opposing any candidate for election or nominating during regular working hours.
- E. Sign any petition as representative of the City without permission of his Department Head.

7-4.1 **Political Activity Not Affected:** These regulations do not prevent any officer or employee from:

- A. Becoming or continuing to be a member of a political club or organization other than municipal.

B. Attending a political meeting.

C. Enjoying entire freedom from all interference in casting a vote.

7-5 **Outside Employment:** Employees of the City may take occasional or part-time jobs if, in the opinion of their department or division head, there is no conflict with working hours, the employee's efficiency in his City work will not suffer, nor conflict with the interest of the City. The employee must notify the department or division head of his/her intention to accept outside employment and receive department head approval. The notice must include the employing agency, immediate supervisor, work-times, and position title.

7-6 **Outside Employment Uniform Personnel - (Non-Police):** Any employee authorized to participate in off-duty, part-time employment shall not perform such off-duty, part-time employment in a uniform or with uniform equipment which could, in any way, be identified with or as supplied by the City unless authorized by the City Manager in writing.

7-6.1 **Outside Employment Uniform Personnel (Police):** Police personnel will be allowed to wear City Uniforms for certain outside employment, subject to the specific authorization of the Chief of Police. Uniforms shall not be used outside the Corporate Limits of the City of Emporia or in any establishment where alcoholic beverages may be consumed, except by permission of the City Manager.

7-7 **Access To Personnel Files:** The City maintains a personnel file on each employee. The personnel file includes such information as the employee's job application, resume, records of training, documentation of performance appraisals and salary increases, and other employment records.

Personnel files are the property of the City, and access to the information they contain is restricted. Generally, only supervisors and management personnel of the City who have a legitimate reason to review information in a file are allowed to do so.

With reasonable advance notice, employees may review their own personnel files in the City's Personnel Office and in the presence of an individual appointed by the City to maintain the files.

7-8 **Personnel Data:** Employees are required to notify their department or division head promptly of any change of address or telephone number so that employees may be contacted at all times by either telephone or mail. Such information must also be conveyed to the Personnel Office along with changes in the number and names of dependents, individuals to be contacted in the event of an emergency and educational accomplishments.

Any change of dependents or change in marital status must be reported to the Personnel Office by submitting corrected Federal and State Withholding Exemption Certificates.

7-9 **City Vehicles and Equipment:** Employees are responsible for all City owned vehicles or equipment used in their work and are responsible for its proper use and maintenance. When using property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

Please notify the supervisor if any vehicle or other equipment appears to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The supervisor can answer any questions about an employee's responsibility for maintenance and care of vehicles and other equipment used on the job.

The improper, careless, negligent, destructive, or unsafe use or operation of vehicles, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, up to and including termination of employment.

Employees involved in an automobile accident while driving a City vehicle must:

- A. Assist any injured person.
- B. Take the names and addresses of other person or persons involved in the accident.
- C. Take the names and addresses of all witnesses present.
- D. Notify the police.
- E. Do not leave the scene of an accident.
- F. Promptly report the incident to their immediate supervisor.

At no time should a City vehicle be used for purposes other than for the transaction of City business.

7-10

Business Travel Expense: The City of Emporia will reimburse individuals traveling on official City business for reasonable and necessary expenses incurred while on assignments away from the normal work location. All business travel must be approved in advance by the immediate supervisor. Employees whose travel plans have been approved are responsible for making their own travel arrangements. Travel expense accounts are open to the public and must be able to sustain the test of public review. The use of City funds to accommodate personal comfort, convenience, and taste is not permitted

Expense Reports – Travelers must keep receipts and accurate records of all expenses to ensure correct reporting and submission of travel reimbursements. Each day's expenses must be shown separately on the expense report.

Travelers must submit the Expense Report to the supervisor within five working days after completion of the trip.

By signing the Expense Report, the traveler is certifying the accuracy of all information and the legitimacy of the travel. The signature of the traveler's supervisor certifies that he agrees that the travel was necessary and the requested reimbursements are proper.

Lodging – Lodging may be reimbursed when an individual is traveling overnight on official business outside his/her official station. When overnight stays are required while on travel status, first preference shall be given to selecting lodging in the economy class. The use of City funds to accommodate personal comfort, convenience, and taste is not permitted. Reimbursement for lodging is limited to actual expenses incurred, including hotel taxes and surcharges.

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, these charges will not be reimbursed if the traveler is negligent in canceling reservations.

Submit original, itemized hotel bills obtained at time of checkout, and other supporting receipts for lodging expense with the original Expense Report.

Meals – Meals are reimbursable on an actual expense basis for overnight official business travel outside the traveler’s official station, up to the amount shown for the applicable meal in the M&IE Rate Table. (See exceptions for business meals later in this topic.) Receipt is required for reimbursement. Only one receipt for purchases made at one food establishment shall be reimbursable for each meal.

Standard meal and incidental reimbursement guidelines (including all related taxes and tips) are provided in the table below. Regardless of destination, a flat \$5 per diem amount is paid for each day of overnight travel for incidental expenses such as bellhop/waiter/taxi tips, snacks, personal telephone calls, laundry, and transportation between lodging or business and places where meals may be taken. The Incidentals amount is not prorated on a travel departure or return date. The flat \$5 per diem is paid on all travel days. *Revised by City Council January 5, 2010*

The rates in the ME&I table are be used to determine the maximum meal reimbursement amounts for official business meals. (See ME&I table in Travel Policy) *Adopted by Council on August 2, 2005. Revised on April 4, 2006, M&IE Table updated on November 18, 2008, ME&I Table updated on January 5, 2010.*

The following reimbursement policies apply.

- The M&IE rates must correspond to the location specified for the overnight lodging.
- Direct billing of meal expenses incurred during overnight travel, including charging meals to hotel rooms, is **not** permitted.
- When meals are provided at no cost in conjunction with travel events, no reimbursement will be made for those meals.

When meals are included with registration or lodging expenses as part of a package, the number and type of meals (breakfast, lunch, dinner) must be recorded on the expense report

Business Meals – Generally, meal expenses that do not involve an overnight stay are **not** reimbursable. One exception when meals may be reimbursed when an overnight stay is not involved is business meals. Meals while on official business must:

- Involve substantive and bona fide business discussions and include the original, itemized receipt.
- List by name all persons involved in the meal and the reason for the meal. If the reimbursement is for a group of conference participants, identify the number of people fed and an explanation of additional meals, if necessary (e.g., coverage of walk-ins).
- Be reimbursed for actual expenses up to the amount shown for the applicable meal in the M&IE Rate Table, excluding the incidental allowance. A receipt is required for reimbursement.

Prisoner Transportation – In the instance where a law enforcement officer is transporting a prisoner and a bag meal is not available from the departing facility and the transporting officer is required to provide a meal for the prisoner, the transporting officer will be reimbursed for actual expense for providing the required meal up to the amount shown for the applicable meal in the M&IE Rate Table, excluding the incidental allowance. The transporting officer(s) will also be reimbursed for actual expense for his/her own meal up to the amount shown for the applicable meal in the M&IE Rate Table, excluding the incidental allowance. Receipt is required for reimbursement.

The ME&I table provides guidelines for Meal and Incidental Expenses that are allowable for reimbursement. For the cities of Alexandria, Fairfax, Falls Church, and the counties of Arlington, Fairfax, and Loudoun, see the Washington, DC listing in the Out-of State table. If a location is not listed, the standard rate applies. (Please see table in travel policy)

Allowed Expenses

Taxes and surcharges paid by the traveler for lodging.

Business Telephone Calls, Telegrams, and Facsimiles made for official business purposes and paid for by the traveler may be claimed on the expense report. 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 City business. A receipt is required for reimbursement claims when each individual claim is greater than \$10.

Disallowed Expenses

Disallowed expenses include:

- 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
- All expenses related to the personal negligence of the traveler, such as fines
- Entertainment expenses
- Towing charges, and
- 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.

Mileage – Employees are permitted to use their personally owned automobiles when a City-owned vehicle is not available. An employee shall be reimbursed at an amount equal to the most recent business standard mileage rate as established by the Internal Revenue Service.

Public Transportation

Public transportation travel includes:

- Rental Car
- Plane
- Train
- Bus
- Taxi or Shuttle and other “for hire transportation”

Public transportation rates must not exceed those for tourist or coach class accommodations. Receipts for such expenses must be retained for submission with the expense report. Reimbursement for first class travel is prohibited.

For taxis, shuttle vans and other forms of “for hire transportation”, receipts are required only if the reimbursement claim exceeds \$10. Additionally, a reason should be identified on the expense report for the necessity of the “for hire transportation”.

Reimbursement of car rental expenses is limited to official business use only. Car rentals may be made through commercial rental agencies. 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.

Travelers must ensure that a rental vehicle is refueled before returning the vehicle to the rental contractor.

Guidance and Assistance – Employees should contact their supervisor for guidance and assistance on procedures related to travel arrangements, expense reports, reimbursement for specific expenses, or any other business travel issues.

Abuse of Policy – Abuse of this business travel expense policy, including falsifying expense reports to reflect costs not incurred by the employee, may be grounds for disciplinary action, up to and including termination of employment.

7-11

Sexual and Other Unlawful Harassment: The City is committed to providing a work environment that is free of discrimination and unlawful harassment. Actions, words, jokes, or comments based on an individual’s sex, race, ethnicity, age, religion, or any other legally protected characteristic will not be tolerated. As an example, sexual harassment (both overt and subtle) is a form of employee misconduct that is demeaning to another person, undermines the integrity of the employment relationship, and is strictly prohibited.

Any employee who wants to report an incident of sexual or other unlawful harassment should promptly report the matter to his or her supervisor. If the supervisor is unavailable or the employee believes it would be inappropriate to contact that person, the employee should immediately contact the Personnel Office or any other member of management. Employees can raise concerns and make reports without fear of reprisal.

Any supervisor or manager who becomes aware of possible sexual or other unlawful harassment should promptly advise the Personnel Office or any member of management who will handle the matter in a timely and confidential manner.

Anyone engaging in sexual or other unlawful harassment will be subject to disciplinary action, up to and including termination of employment.

An employee has 180 days to report incidents of alleged sexual harassment. Outside of this timeframe, incidents cannot be investigated. However, in order to establish a history of repeated or continuing harassment for a complaint reported within the 180 day timeframe, prior incidents which occurred more than 180 days ago may be considered by the investigator.

7-12 **Job Safety:** Employees are urged to practice safety on the job to the maximum extent possible. All employees are provided with a list of general safety rules at the time of hire. Employees are to obey these rules and all departmental safety rules at all times. All employees must remain alert to potential hazards and guard against injury to themselves, fellow workers, and the general public through carelessness.

Employees must immediately report any unsafe condition to the appropriate supervisor. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

All injuries, however slight, must be immediately reported to the job supervisor. Should hospitalization or emergency physician's services be required, this takes precedence and the accident shall be reported as soon after treatment as possible. The department or division head shall complete all necessary forms and submit them to the Personnel Office within twenty-four (24) hours after the injury. Such reports are necessary to comply with laws and initiate insurance and worker's compensation benefits.

Employees with ideas, concerns, or suggestions for improved safety in the workplace are encouraged to raise them with their supervisor, or with another supervisor or manager, or bring them to the attention of the Personnel Office. Reports and concerns about workplace safety issues may be made anonymously if the employee wishes. All reports can be made without the fear of reprisal.

7-13 **No Smoking Policy:** In keeping with the City's intent to provide a safe and healthful work environment, smoking is prohibited throughout the workplace except in a few designated areas. This policy applies equally to all employees, customers, and visitors. Violations should be reported to the City Manager.

7-14 **Drug-Free Workplace Policy:** It is the City's objective to establish and maintain a work environment that is safe and free from adverse effects of alcohol and illegal drugs. The adverse effects of alcohol and illegal drugs create a serious threat to the safety and welfare of fellow City employees and to the citizens that we serve.

The City is committed to identifying employees who have developed a drug or alcohol dependency, to provide education, rehabilitation opportunities, and training for such employees and to eliminate those personnel situations that are safety liabilities for fellow employees or the citizens of the community.

Therefore, the City of Emporia has a “zero” tolerance for Alcohol and Drug Abuse for employees while carrying out their municipal duties. No employee may use, possess, distribute, sell, manufacture or be under the influence of alcohol or illegal drugs while on the job.

This policy applies to all employees of the City, whether full-time or part-time, or paid on a salaried or on an hourly basis. Because of the nature of the City’s operations, all City employees hold safety sensitive jobs; therefore, all City employees are subject to random drug and alcohol testing.

A copy of this policy in its entirety will be provided to you upon employment with the City during your new employee orientation session with the Human Resources Office. Other City employees may receive an additional copy upon request.

7-15 **Donated Items and Funds Policy:** Donated items may include land, personal property, and items of historical significance or money. While donations are well intentioned they may entail conditions that the city may be unable to honor over time. Therefore, this policy is to outline procedures for the review and acceptance of offered donations. The Volunteer Fire Department is exempt from this policy. All other donations are to be reported to the City Manager. Monetary donations will be given to the Treasurer who need not deposit, but shall secure pending Council action. If Council does not act or provide direction in 30 days, then the donation will be returned with a note of appreciation. Items valued at \$500 dollars or less may be decided by the City Manager and need not be referred to City Council. *Adopted by City Council September 6, 2005.*

7-16 **Use of Internet and Electronic Communications Systems:** **Business Use** – City provided computer systems that allow access to the Internet and electronic communication systems are the property of the City and are provided to facilitate the effective and efficient conduct of City business. Users are permitted access to the Internet and electronic communication systems to assist in the performance of their jobs.

Personal Use – Personal use means use that is not job-related. In general, incidental and occasional personal use of the City’s Internet access or electronic communication systems is permitted; however, personal use is prohibited if it: Interferes with the user’s productivity or work performance, or with any other employee’s productivity or work performance; adversely affects the efficient operation of the computer system; or violates any provision of this policy, any supplemental policy adopted by the City, or any other policy, regulation, law or guideline as set forth by Local, State or Federal law.

No Expectation of Privacy – No user should have any expectation of privacy in any message, file, image or data created, sent, retrieved or received by use of the City’s equipment and/or access. The City Manager or designee has a right to monitor any and all aspects of their computer systems including, but not limited to, sites, instant messaging systems, chat groups, or news groups visited by City users, material downloaded or uploaded by City Users, and e-mail sent or received by City users.

Prohibited Activities – Certain activities are prohibited when using the Internet or electronic communications. These include, but are not limited to:

- accessing, downloading, printing or storing information with sexually explicit content as prohibited by law, (see Code of Virginia Title 18.2)
- downloading or transmitting fraudulent, threatening, obscene, intimidating, defamatory, harassing, discriminatory, or otherwise unlawful messages or images

- installing or downloading computer software, programs or executable files contrary to policy. For a complete list of prohibited activities, contact the Human Resource Department.

Security – The distribution of electronic communications is difficult to control and routing mistakes can easily occur. Copies of electronic communications can be forwarded without the sender’s knowledge or permission to unintended recipients. Therefore, electronic communications shall be drafted and sent with at least the same level of care, professional judgment and discretion as paper memoranda or documents.

User’s Responsibilities – All users are responsible for exercising appropriate care to protect the City’s computer systems against the introduction of viruses.

Violations – Violations of this policy must be addressed under Chapter VI, Discipline, of the City’s Personnel Policy Handbook. The appropriate level of disciplinary action will be determined on a case-by-case basis by the Department Head or City Manager with sanctions up to or including termination depending on the severity of the offense.
Adopted by Council on November 1, 2005.

7-17

Return To Work: It is the City’s policy to retain our valued employees, achieve a safe and timely return of injured or ill employees to the workforce and reduce costs related to disability associated with work related injuries and illnesses. This policy shall apply to employees who are restricted in performance of their essential functions due to injuries and/or illnesses, and who are expected to return to their pre-injury/ill position.

The City will return an employee to work as soon after an injury or illness as possible. Managers will attempt to assign the employee work that meets medical restrictions through the temporary modification of duties or a *transitional work assignment*.

Employees must immediately notify their supervisor of departmental designee of any work-related injury/illness. The supervisor will follow established procedures in the implementation of this program.

The employee’s transitional work assignment will end when one of the following occurs:

- a. The employee’s attending physician releases them to their regular duties.
- b. The attending physician determines the employee to be medically stationary with permanent restrictions.
- c. At any time the transitional work assignment can no longer be made available by the worksite.
- d. The employee does not abide by medical restrictions or terms of the transitional work assignment agreement. This may also result in disciplinary action up to and including dismissal.
- e. The employee’s medical condition has ceased to improve and prognosis for returning to the employees’ regular position at the time of injury/illness in unclear.
- f. When an injured employee is determined by his or her physical to be medically stationary with permanent restrictions that prevent return to the position at the time for injury/illness, an attempt will be made to locate available and suitable work in accordance with the guidelines of the City’s policies and the Americans with Disabilities Act (ADA)

Transitional duty may not normally exceed 90 days. *Approved for use July 1, 2006 by the City Manager.*

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Chapter VIII

Benefits

8-1 **Employee Benefits:** All eligible City employees are provided with a wide range of benefits. A number of programs (such as social security, worker's compensation and unemployment insurance) cover all employees in the manner prescribed by law.

The following benefit programs are available to eligible employees:

- | | |
|------------------------------------|--------------------------|
| *Auto Mileage | *Inclement Weather Leave |
| *Benefit Conversion at Termination | *Jury Duty Leave |
| *Credit Union | *Medical Leave |
| *Deferred Compensation Plan | *Military Leave |
| *Dental Insurance | *Optional Life Insurance |
| *Disability Retirement | *Pre-Tax Plan |
| *Employee Assistance Program | *Retirement Plan |
| *Family Leave | *Sick Leave Benefits |
| *Group Life Insurance | *Supplemental Insurances |
| *Healthcare Insurance | *Vacation Benefits |
| *Educational Financial Assistance | |
| *Holidays | |

8-2 **Full-Time Employees:** All benefits are available to full-time employees beginning the first full month of employment. Some benefit programs require contributions from the employees, but most are fully paid by the City. The benefit package for regular full-time employees represents an additional cost to the City of approximately 25% (twenty-five percent) of wages.

8-3 **Part-Time Employees:** Part-time employees can participate in benefits that are voluntary and contributed to solely by the employee with no matching funds contributed by the City as long as this is agreeable with the benefit company. Examples of such benefits are: Credit Union, Pre-Tax Plan and Supplemental Insurance.

8-4 **Retirement:** Employees are eligible for full retirement benefits, other than disability, at 65 with 5 years of service, or after attaining 30 years of service as early as age 55. (Early retirement eligibility with reduced benefits begins at age 55 with at least 5 years of service or age 50 with 10 years of service.) Police Officers are enrolled in the Law Enforcement Officers System (LEOS) and are eligible for full retirement benefits at age 50 with 25 years of service.

Written notice shall be given to the department head and the Personnel Department at least six (6) months prior to planned retirement and reconfirmed at least ninety (90) days prior to the retirement date to facilitate processing of all termination and retirement materials. Shorter notification may result in a delay of retirement check.

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Chapter IX

Holidays and Leave

9-1. **Holidays Observed:** The City observes State designated holidays. Listed below are the holidays generally observed by the State:

- *New Year's Day (January 1)
- *Lee Jackson Day (Friday preceding third Monday in January)
- *King's Day (Third Monday in January)
- *George Washington Day (Third Monday in February)
- *Memorial Day (Last Monday in May)
- *Independence Day (July 4)
- *Labor Day (First Monday in September)
- *Columbus Day (Second Monday in October)
- *Veterans Day (November 11)
- *Thanksgiving (Fourth Thursday and Friday in November)
- *Christmas December 25th

If the holiday falls on a Sunday, the following Monday is generally observed as the holiday.
If the holiday falls on a Saturday, the preceding Friday is generally observed as the holiday.
Amended by City Council on December 16, 2014

9-2. **Holiday Compensation:** All employees covered by this manual shall receive eight (8) hours pay for the holidays listed in this chapter.

If an employee is scheduled to work on a holiday, that employee will receive pay equal to one and one-half times the regular hourly rate for hours worked that day in addition to regular holiday compensation. *Adopted by City Council on December 20, 2005*

If a recognized holiday falls during an eligible employee's paid absence, holiday pay will be provided instead of the paid time off benefit that would otherwise have applied. If a recognized holiday falls on an employee's regular day off, that employee will either earn eight (8) hours compensatory time or, receive holiday pay. *Adopted by City Council on December 20, 2005, Amended by City Council December 16, 2014.*

9-3 **Sick Leave:** Sick leave shall be governed by the following;

9-3.1 **Sick Leave Accrual and Use:** All regular, full-time employees who are not covered under the paid time off (PTO) leave policy shall be entitled to five (5) hours sick leave each pay period. An employee must have worked or have been on paid leave for the entire pay period in order to accrue sick leave. Such leave credit may be utilized by the employee when incapacitated from the performance of his or her duties due to illness, injury, or medical/dental appointment. Sick leave accrues at the end of the day on the last day of the pay period. During months when employees get a 3rd paycheck, sick leave will not accrue on the last day of the pay period for the 3rd payday. Sick leave is credited to the employee and available for use on the first day of the following pay period. Sick leave shall be taken in no less than 30-minute increments. Sick leave can accrue and carry over from year to year without limit. *Amended by City Council December 16, 2014.*

Sick leave may be utilized by an employee due to illness, injury, medical/dental appointment, or death in the immediate family of the employee. The maximum amount of sick leave that may be used by an employee following the death of an immediate family member is limited to forty-eight (48) hours per calendar year.

Immediate family includes:

- Parents, including step-parents or persons who stood in place of the parent and performed parental duties and responsibilities;
- Spouse as defined by the laws of the Commonwealth;
- Children, including step-children, foster children and legal wards;
- Siblings, including step-siblings;
- Grandparents;
- In-laws (sister, brother, mother, and father);
- Any relatives, either by blood or marriage, living in the employee's household

It is understood that the utilization of sick leave for an illness, injury, or medical/dental appointment in the immediate family is based on the requirement that the employee is important and necessary for proper care and attendance of the ill person.

Any employee incurring a disability as a result of his or her misconduct, a violation of this Personnel Policy, or a violation of any City, State, or Federal Law, shall not be extended sick leave pay in excess of his or her accumulated sick leave.

Sick leave benefits are intended solely to provide income protection in the event of illness or injury and may not be used for any other absence. *Amended by City Council January 5, 2010.*

9-3.2 **Notification:** All employees, in the event of sickness or injury, shall notify their department or division head or the on-duty police dispatcher one (1) hour prior to shift time. The direct supervisor must be contacted on each additional day of absence. Failure to notify of sick leave absence, as required, may subject the employee to loss of sick leave eligibility.

9-3.3 **Reports:** The department or division head shall record all sick leave absences. If an employee is absent for more than three consecutive days due to illness or injury, a physician's statement must be provided verifying the disability and its beginning and expected ending dates. Such verification may be requested for other sick leave absences and may be required as a condition to receiving sick leave benefits. A physician's statement may also be required for any absences of three consecutive days or less when the department or division reasonably suspects a pattern of sick leave abuse. An employee's use of sick leave may be denied if the employee fails to comply with requests for verification of the need for sick leave or if the verification provided is inadequate. *Revised by City Council January 5, 2010. Amended by City Council December 16, 2014.*

9-3.4 **Abuse:** Employees who misrepresent the need to use sick leave are subject to disciplinary action under Chapter VI of the City's personnel manual. *Adopted by City Council January 5, 2010*

9-3.5 **Compensation:** Employees with five (5) or more consecutive years of City employment shall receive upon termination the monetary equivalent of twenty-five (25) percent of his or her existing sick leave balance up to a maximum of \$5,000. Employees with less than five (5) consecutive years of City employment shall receive no sick leave compensation. Under no circumstances shall an employee be entitled to receive payment for accumulated sick leave not used prior to termination from City employment, except as provided in the paid time off (PTO) policy. *Revised by City Council January 5, 2010. Amended by City Council December 16, 2014.*

9-4 **Worker's Compensation** – Employees who are injured on the job, will be paid by the City for the first week of incapacity unless it is clear that the employee will be out from work over three weeks due to injury. If the city pays for the first week and the employee is compensated later, by worker's compensation for that first week, the employee must refund that money to the City. The employee is not to be compensated by both the City and Worker's Compensation. No charge will be made against the employee's leave.

9-5 **Family and Medical Leave:** The federal Family and Medical Leave Act (FMLA) provides job protected leave and benefits coverage entitlements to employees who meet FMLA eligibility requirements. The function of this policy is to provide employees with a general description of their FMLA rights. Any questions, concerns, or disputes with this policy should be directed to the City Manager. All required forms are available in the City Manager's Office.

9.5.1 **Types of Leave Coverage:** To qualify for FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

- 1) A serious health condition of the employee that renders the employee unable to perform the functions of his/her position.
- 2) The birth of a child and in order to care for that child.
- 3) The placement of a child with the employee for adoption or foster care and to care for the newly placed child.
- 4) To care for a spouse, child or parent with a serious health condition.
- 5) Qualifying exigency leave for families of members of the National Guard and Reserves when the covered military member is on active duty or called to active duty in support of a contingency operation.

An employee whose spouse, son, daughter, or parent either has been notified of an impending call or order to active military duty or who is already on active duty is entitled to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following: a) short-notice deployment, b) military events and activities, c) child care and school activities, d) financial and legal arrangements, e) counseling, f) rest and recuperation, g) post-deployment activities and h) additional activities that arise out of active duty, provided that the City and the employee agree, including agreement on timing and duration of the leave.

The leave may commence as soon as the individual receives the call-up notice. This type of leave would be counted towards the employee's 12-week entitlement of FMLA leave in a 12-month period.

- 6) Military caregiver leave to care for an ill or injured servicemember. This leave may extend up to 26 weeks in a single 12-month period for an employee to care for a spouse, son, daughter, parent or next of kin covered servicemember with a serious illness or injury incurred in the line of duty on active duty. Next of kin is defined as the closest blood relative of the injured or recovering servicemember. *Revised by City Council January 5, 2010*

9-5.2 **Serious Health Condition** –"Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:

- a) any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility; or
- b) a period of incapacity requiring absence of more than three calendar days from work, school, or other regular daily activities requiring two visits to a health care provider with the first visit to the health care provider within seven days of the onset of the incapacity and a second visit within 30 days of the incapacity; or
- c) any period of incapacity due to pregnancy, or for prenatal care; or
- d) any period of incapacity (or treatment therefore) due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc.) requiring periodic health care visits for treatment (such visits must take place at least twice a year); or
- e) a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, stroke, terminal diseases, etc.); or
- f) any absences to receive multiple treatments (including any period of recovery) by, or on referral by, a health care provider for a condition that likely would result in an incapacity of more than three consecutive days if left untreated (e.g. dialysis, chemotherapy, physical therapy, etc.).

9-5.3 **Restricted Use of FMLA** -FMLA may not be used for short-term conditions which treatment and recovery are brief such as minor illnesses and outpatient surgical procedures with expected brief recuperating periods. FMLA does not provide for the intermittent care of a child for such commonplace illness such as colds and the flu.

Revised by City Council January 5, 2010

9-5.4 **Eligibility** –To be eligible, employees must have worked for the City for at least twelve (12) months and have worked at least 1250 hours over the prior 12 months.

Employees applying for and granted FMLA leave are required to meet notification and documentation requirements as outlined further in this policy. Failure to meet these requirements may result in the denial or revocation of FMLA leave.

Leave qualifying as FMLA leave may either be requested by the employee subject to the rules as outlined in this policy or will be designated as FMLA leave by the City concurrent with other leave provisions provided by policy or contract.

9-5.5 **Amount of Leave** –Eligible employees are entitled to a total of 12 weeks of medical or family leave within a 12 month period for leave types 1 through 5. The City will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Eligible employees are entitled to 26 weeks of military caregiver leave (type 6) during a single 12-month period. The City will require the use of accrued paid annual leave, sick leave, paid time off (PTO), or compensatory time to be substituted for the unpaid leave required by law. Married employee couples are entitled to a combined total of 12 weeks leave within a 12-month period for childbirth, adoption, or placement of a foster child; or to care for a parent with a serious health condition. Married employee couples are entitled to a combined total of 26 weeks of leave to care for a covered injured or ill servicemember. *Revised by City Council January 5, 2010. Amended by City Council December 16, 2014.*

9-5.6 Benefits During Leave –Subject to terms, conditions, and limitations of the applicable plans, the City will continue to provide health insurance benefits for the full period of the approved leave on the same basis as if the employee has continued work at the City. The employee must continue to pay his/her share of the insurance premium. Under current City policy, the employee pays a portion of the health care premium. While on paid leave, the City will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make this payment either in person or by mail. If at the end of the leave period, the employee does not return to work for reasons other than a continued serious illness, the City will require the employee to reimburse the City for the amount the City contributed toward the employee's health insurance during the leave period. Benefit accruals, such as annual leave, sick leave, paid time off (PTO), or holiday benefits, will be suspended during any period of unpaid leave or after 90 calendar days on leave with pay. These benefits will be resumed upon return to active employment. *Revised by City Council January 5, 2010. Amended by City Council December 16, 2014.*

9-5.7 Intermittent Leave or a Reduced Work Schedule – The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hour schedule.

The City may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances of when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care.

For the birth, adoption or foster care of a child, the City and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child. If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach agreement with the City before taking intermittent leave or working a reduced hour schedule. If this is not possible then the employee must prove that the use of the leave is medically necessary. *Revised by City Council January 5, 2010*

9-5.8 Procedure for Requesting FMLA Leave –All employees requesting FMLA leave must provide verbal or written notice of the need for the leave to their supervisor (**Form A**). When the need for the leave is foreseeable, the employee must provide the employer with at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with the City's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances. The City may also designate leave as FMLA leave without a request from an employee.

Within five business days after the employee has provided this notice, the City Manager will complete and provide the employee with the Notice of Eligibility and Rights and Responsibilities Form (**Form B**). *Revised by City Council January 5, 2010*

9-5.9

Certification for the Employee's Serious Health Condition – The City will require certification for the employee's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the Certification of Health Care Provider for Employee's Serious Health Condition Form. (Form C).

The City may directly contact the employee's health care provider for verification or clarification purposes using a health care professional, an HR professional or management official. The City will not use the employee's direct supervisor for this contact. *Revised by City Council January 5, 2010*

The City has the right to ask for a second opinion if it has reason to doubt the certification. The City will pay for the employee to get a certification from a second doctor, which the City will select. The City may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the City will require the opinion of a third doctor. The City and the employee will mutually select the third doctor, and the City will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

9-5.10

Certification for the Family Member's Serious Health Condition

The City will require certification for the family member's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the Certification of Health Care Provider for Family Member's Serious Health Condition (Form D).

The City may directly contact the family member's health care provider for verification or clarification purposes using a health care professional, an HR professional, or management official. The City will not use the employee's direct supervisor for this contact.

The City has the right to ask for a second opinion if it has reason to doubt the certification. The City will pay for the employee to get a certification from a second doctor, which the City will select. The City may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the City will require the opinion of a third doctor. The City and the employee will mutually select the third doctor, and the City will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

9-5.11

Certification of Qualifying Exigency for Military Family Leave –The City will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the Certification of Qualifying Exigency for Military Family Leave (Form E).

- 9-5.12 Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave -The City will require certification for the serious injury or illness of the covered servicemember. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the Certification for Serious Injury or Illness of Covered Servicemember (Form F).
- 9-5.13 Designation –After receiving the required certification, the City will inform the employee whether his or her leave will be designated as FMLA leave (Form G).
Adopted by City Council January 5, 2010
- 9-5.14 Recertification – The City may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every 30 days and only when circumstances have changed significantly, or if the employee receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the City may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with an FMLA absence. The City may provide the employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's serious health condition
- 9-5.15 Intent to Return to Work from FMLA Leave –On a basis that does not discriminate against employees on FMLA leave; the City may require an employee on FMLA leave to report periodically on his/her status and intent to return to work.
- 9-5.16 Return to Work –So that an employee's return to work can be properly scheduled, an employee on leave is requested to provide the City with at least two (2) weeks advance notice of the date he or she intends to return to work.

Employees returning from medical leave must submit a health care provider's verification of their fitness to return to work. Forms are available in the City Manager's Office (Form H).

If an employee fails to report to work promptly at the end of the medical or family leave, the City will assume that the employee has resigned.

Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same or one which is virtually identical in terms of pay, benefits and working conditions. If an employee is unable to return to work after the FMLA leave benefits have been exhausted, the employee will not have a right to his or her position even if there are unused accrued leave balances.

Key employees are entitled to FMLA leave but are not entitled to job restoration if re-employment after the conclusion of the leave will cause a substantial and grievous economic injury to the City. A key employee is defined as a salaried employee who is among the highest paid ten percent of the City's workforce. A key employee will be notified in writing of his or her status in response to requesting FMLA leave or the City's designation of FMLA leave. If a key employee is already on FMLA leave when he or she receives notice that he or she is a key employee, the employee will be given a reasonable time to return to work before losing the right to job restoration.

If an employee would have been laid off had he not been on FMLA leave, any right to reinstatement would be whatever it would have been had he/she not been on leave of absence when the layoff occurred. *Revised by City Council January 5, 2010.*

9.6 Annual Leave

9.6-1 Accrual/Carryover/Final Payout: All regular, full-time employees who are not covered under the paid time off (PTO) leave policy shall be entitled to annual leave. The accrual rate for annual leave, the maximum carry over from one leave year (January 1st – December 31st) to the next, and the maximum amount of annual leave payable upon separation from City service are determined as shown in the following chart:

Years of Service	Pay Period Accrual Rate	Maximum Carryover	Maximum Payment
Under 5 Years	4 Hours	192 Hours (24 days)	192 Hours (24 days)
5-9 Years	5 Hours	240 Hours (30 Days)	240 Hours (30 Days)
10-14 Years	6 Hours	288 Hours (36 Days)	288 Hours (36 Days)
15-19 Years	7 Hours	336 Hours (42 Days)	288 Hours (36 Days)
20-24 Years	8 Hours	384 Hours (48 Days)	336 Hours (42 Days)
25 Years or More	9 Hours	432 Hours (54 Days)	336 Hours (42 Days)

- A. Annual leave may be taken as earned by the employee with the approval of the employee’s department head. Annual leave shall be taken in no less than 30 minute increments.

Annual leave accrues at the end of the day on the last day of the pay period. During months when employees get a 3rd paycheck, annual leave will not accrue on the last day of the pay period for the 3rd payday. Annual leave is credited to the employee and available for use on the first day of the following pay period. *Amended by City Council December 16, 2014.*

- B. An employee must have worked or have been on paid leave for the entire pay period in order to accrue annual leave.

9-6.2 Excess Carryover:

- A. Annual leave is intended for personal use as a brief period away from everyday job duties. Therefore, it is expected that each eligible employee shall use his or her annual leave. Compensation payments in lieu of annual leave will not be granted by the City Manager.
- B. Unused accrued annual leave may be carried forward from one year to the next up to the maximum limits referenced in the chart provided in 9-6.1. On January 1st of each year, accumulated annual leave in excess of the limits prescribed in the previously referenced chart will be lost to the employee unless an exception is granted by the City Manager. The City Manager will only grant this exception in cases where the employee has not been allowed

to use his or her leave because of departmental work demands over a substantial period of time. Requests for such exceptions must be made by the employee and recommended by his or her department head in writing by December 1st of each year. Any exception that may be granted by the City Manager will be put in writing and specify the timeframe during which the employee must use the additional annual leave time. If the employee does not use the annual leave within this timeframe, the annual leave will be lost.

Amended by City Council January 5, 2010

9-7 **Paid Time Off (PTO):** In recognition of the varying work schedules of City employees and each employee’s diverse need for time away from work, the City provides a general leave policy of Paid Time Off (PTO).

All regular, full-time employees hired January 1, 2014 and after, excluding police officers hired prior to January 1, 2015, shall be covered under the provisions of the PTO leave policy outlined below in lieu of accruing sick and annual leave. All annual and sick leave remaining as of December 31, 2014 shall be converted to PTO.

Employees hired prior to January 1, 2014 and police officers hired prior to January 1, 2015 who elect to opt into this plan shall also be covered under the provisions of this policy.

Employees may use PTO for various reasons such as vacations, personal or family illness, on or off the job injuries, medical/dental appointments, personal business, childcare problems, funerals, or any other valid absence as determined by the employee’s supervisor.

Section added by City Council December 16, 2014

9-7.1 **Accrual/Carryover/Final Payout:** The accrual rate for PTO, the maximum carry over from one leave year (January 1st – December 31st) to the next, and the maximum amount of leave payable upon separation from City service are determined as shown in the following chart:

Years of Service	Pay Period Accrual Rate	Maximum Carryover	Maximum Payment
Under 5 Years	6 Hours	288 Hours (36 days)	288 Hours (36 days)
5-9 Years	7 Hours	336 Hours (42 Days)	336 Hours (42 Days)
10-14 Years	8 Hours	384 Hours (48 Days)	384 Hours (48 Days)
15-19 Years	9 Hours	432 Hours (54 Days)	432 Hours (54 Days)
20-24 Years	10 Hours	480 Hours (60 Days)	480 Hours (60 Days)
25 Years or More	11 Hours	528 Hours (66 Days)	528 Hours (66 Days)

A. PTO shall be classified as “scheduled” or “unscheduled.” “Scheduled” PTO shall be submitted to the supervisor in advance and shall be permitted at the discretion of the supervisor based on operational needs. “Unscheduled” PTO shall be used in the event the employee is unable to work due to unforeseen personal/family illness/injury or for other unforeseen reasons. If an employee is unable to report to work for any reason, he/she shall notify his/her

supervisor prior to the beginning of his/her shift. The direct supervisor must be contacted on each additional day of absence. Employees may be required to furnish medical verification or other proof that unscheduled use of PTO was unavoidable to his/her supervisor. If an employee is absent for more than three consecutive days due to illness/injury, a physician's statement must be provided verifying the disability and its beginning and expected ending dates. An employee's use of PTO may be denied if the employee fails to comply with requests for verification of the need for PTO or if the verification provided is inadequate. Excessive use/abuse of unscheduled PTO by an employee may also subject the employee to disciplinary action.

- B. PTO shall be taken in no less than 30-minute increments.
- C. PTO accrues at the end of the day on the last day of the pay period. During months when employees get a 3rd paycheck, PTO will not accrue on the last day of the pay period for the 3rd payday. PTO is credited to the employee and available for use on the first day of the following pay period.
- D. An employee must have worked or have been on paid leave for the entire pay period in order to accrue PTO.
- E. Former employees who are rehired by the City will earn PTO at the rate based on their combined years of service. This applies to the calculation of PTO only. There shall be no reinstatement of any leave upon the rehiring of a former employee.

Section added by City Council December 16, 2014.

9-7.2.1

Excess Carryover:

- A. PTO is primarily intended for personal use as a brief period away from everyday job duties. Therefore, it is expected that each eligible employee shall use his or her PTO. Compensation payments in lieu of PTO will not be granted by the City Manager.
- B. Unused accrued PTO may be carried forward from one year to the next up to the maximum limits referenced in the chart provided in 9-7.1. On January 1st of each year, accumulated PTO in excess of the limits prescribed in the previously referenced chart will be lost to the employee unless an exception is granted by the City Manager. The City Manager will only grant this exception in cases where the employee has not been allowed to use his or her leave because of departmental work demands over a substantial period of time. Requests for such exceptions must be made by the employee and recommended by his or her department head in writing by December 1st of each year. Any exception that may be granted by the City Manager will be put in writing and specify the timeframe during which the employee must use the additional annual leave time. If the employee does not use the annual leave within this timeframe, the annual leave will be lost.

Section added by City Council December 16, 2014

9-7.3 **Short and Long Term Disability:** Employees covered under the PTO leave policy shall also be covered under City paid short and long-term disability programs. Employees may use banked sick leave and/or PTO to fill disability coverage gaps.
Added by City Council December 16, 2014

9-7.4 **Opting Into Paid Time Off (PTO):** Eligible employees shall be given the opportunity to opt into the PTO policy one time per calendar year on an annual basis for the next three years ending December 31, 2016. The City Manager shall determine the opt-in time period each year. The decision to opt into the PTO policy shall be irrevocable. Should eligible employees not opt into the PTO policy by the specified date each year they shall continue to be covered under the sick and annual leave policies previously outlined in this chapter. The following provisions apply to those employees who opt into the PTO policy: Effective January 1st of the following year all annual leave shall be converted to PTO.

- A. Effective January 1st of the following year sick leave shall not be accrued.
- B. Employees may elect to be paid out all or a portion of sick leave accrued as of December 31st of that year the equivalent of twenty-five (25) percent of his or her existing sick leave balance up to \$5,000. Payout based on hourly rate as of December 31st of that year. Payouts are subject to appropriation by City Council.
- C. Employees may elect to “bank” all or a portion of sick leave accrued as of December 31st of that year. This leave may only be used according to the sick leave guidelines previously outlined in this chapter. This leave may also be used to fill disability coverage gaps.
- D. Employees may elect to convert up to 96 hours (12 days) of sick leave accrued as of December 31st of that year to PTO subject to the maximum carryovers based on years of service referenced in the chart provided in 9-7.1.
- E. Employees may elect to convert up to 96 hours (12 days) of banked sick leave to PTO on an annual basis subject to the maximum carryovers based on years of service referenced in the chart provided in 9-7.1.
- F. Employees with five (5) or more consecutive years of City employment shall be paid out for all banked sick leave remaining upon separation from City employment the equivalent of twenty-five (25) percent of his or her existing sick leave balance up to a maximum of \$5,000.

Added by City Council December 16, 2014.

9-8 **Military Leave With Pay:** An employee who is a member of a reserve force of the United States or of the Commonwealth of Virginia and who is ordered by the appropriate authorities to attend a training program or who is called into emergency active duty for the purpose of aiding civil authority under the supervision of the United

States or the Commonwealth of Virginia shall be granted a leave of absence with full pay during the period of such activity with the following provisions:

- A. When the leave is attributable to federally funded military training or duty, paid leave will be limited to 15 days per federal fiscal year (October 1 – September 30). This is governed by VA State Code Section 44-93.
- B. The Governor of Virginia may call the Commonwealth's Militia to respond to natural or man-made disasters in Virginia or in another state (see VA State Code Section 44-75.1 and 44-78.1). Employees called to such emergency response military duty are on military leave with pay. This time is separate from and in addition to the 15 days of paid military leave per federal fiscal year available for military training or active military duty.
- C. Employee benefits and leave accruals shall not be affected during this leave. *Revised by City Council January 5, 2010*

9-9

Military Leave Without Pay: Employees shall be granted military leave without pay for a cumulative period up to five years for the duty indicated in their military orders that is not covered by military leave with pay or by the use of his or her annual or compensatory leave balances, in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994. The five year limitation shall be waived or may be extended in those circumstances outlined in USERRA regulations. The employee on such leave is entitled to be restored to the position he or she vacated, provided the employee makes application to the City of Emporia not later than 90 days after the date of honorable discharge or separation under honorable conditions. Job restoration is further conditioned on the position still existing and the employee being physically and mentally capable of performing the work of the vacated position. Employee leave accruals and benefits will be administered according to USERRA regulations.

Amended by City Council January 5, 2010.

9-10

Personal Leave: A department head may authorize employees to be absent without pay for personal reasons for a period or periods not to exceed five (5) working days in any calendar year. The City Manager, upon recommendation by the department head, may extend this leave for a specified time period or periods when deemed to be in the best interest of the City. The employee must have used all of his or her annual, compensatory, sick leave, and/or PTO to be eligible for personal leave. *Amended by City Council January 5, 2010. Amended by City Council December 16, 2014.*

9-11

Educational Leave: The City Manager, upon recommendation of the department head, may authorize special leaves of absence without pay for any period or periods not to exceed three (3) calendar months in any one (1) calendar year while attending a college, university, or business school for the purpose of training in subjects related to the work of the employee and which will benefit both the employee and the City.

Annual, sick, and PTO leave accruals will be suspended during the leave and will resume upon return to active employment. Employees shall be allowed to use any accrued annual leave, PTO, or compensatory time while on educational leave. The City will continue making payroll deductions to collect the employee's share of the health insurance premium when the employee uses accrued annual leave, PTO, or compensatory time. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. *Amended by City Council December 16, 2014.*

If an employee fails to report promptly at the expiration of the approved leave period, the City will assume the employee has resigned. *Amended by City Council January 5, 2010.*

Guidelines pertaining to educational expense reimbursement requests are outlined in the Educational Assistance administrative regulation effective July 1, 2005.

9-12

Administrative Leave With Pay: The City Manager may grant administrative leave with pay when disciplinary action is being considered and the employee's removal from the workplace is necessary or prudent. The employee may be immediately removed from the workplace without providing advance notification when the employee's continued presence:

- May be harmful to the employee, other employees, or the public;
- Makes it impossible for the department to conduct business;
- May hamper an internal investigation into the employee's alleged misconduct;
- May hamper an investigation being conducted by law enforcement; or
- May constitute negligence in regard to the department's duties to the public and/or other employees.

Employees may be placed on administrative leave with pay in order to conduct a disciplinary review or administrative investigation for up to fifteen workdays or 120 work hours. If the disciplinary review or administrative investigation is not completed within fifteen workdays (1) disciplinary action must be imposed, (2) the employee must be permitted to return to work pending the outcome of the review or investigation, or (3) the administrative leave with pay must be extended for a specified period of time as determined by the City Manager. *Revised by City Council January 5, 2010*

9-13

Administrative Leave without Pay: Any employee who is formally charged with a criminal offense that is related to the nature of his or her position or the department's mission shall be immediately suspended without pay until the charge is resolved. Criminal offenses include felonies and misdemeanors as defined in the statutes of the United States, the Commonwealth of Virginia, other sovereign states, and other city and county governments. Criminal offenses shall not include traffic or other charges that are specifically differentiated and exempted from statutory criminal offenses; however, DUI or other formal charges which impact an employee's ability to drive a vehicle or could result in incarceration if convicted shall be considered criminal charges. The employee shall inform his or her supervisor as soon as practically feasible if charged with a criminal offense.

Employees shall be allowed to use any accrued annual leave, PTO, or compensatory time while placed on administrative leave without pay. The City will continue making payroll deductions to collect the employee's share of the health insurance premium when the employee uses accrued annual leave, PTO, or compensatory time. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. *Amended by City Council December 16, 2014.*

Employees will not receive back pay, reimbursement of health insurance premiums paid, and any leave accruals if reinstated to active employment. *Amended by City Council January 5, 2010.*

9-14 **Civil Leave:** An employee shall be granted leave with pay for any absence involving service on a jury or attending court as a witness under a subpoena. An employee appearing in court either as a defendant or plaintiff in a case shall not be eligible for civil leave.

An employee on jury duty has the choice of being paid by the City or the courts, but not both. Should the employee opt to receive City pay, he or she shall remit any jury duty payment to the City Treasurer. Should the employee opt to receive jury duty pay, he or she shall use annual leave, PTO, compensatory leave, or leave without pay. In both cases, employees shall be entitled to retain compensation received as reimbursement for expenses such meals, mileage, parking, and similar costs. *Amended by City Council December 16, 2014.*

Employees are expected to immediately report to work for the City upon release by the Courts. *Amended by City Council January 5, 2010.*

9-15 **Absence without Leave:** Employees who absent themselves from duty without prior authorization shall be considered as absent without leave. This shall cause deductions of pay for the period of such absence and may be grounds for disciplinary action.

9-16 **Donation of Leave Time:** When an employee, due to illness or injury (not work related), must be absent from work for an extended period beyond the leave time he has accrued, other employees can donate annual leave, PTO, or compensatory time. However, the annual leave or PTO balance of the donating employee shall not fall below ten (10) days. *Amended by City Council December 16, 2014.*

For an employee to be eligible to receive donations, that employee must have been a full-time employee for at least one (1) year, must have exhausted all leave time, and must not have had any disciplinary actions or unsatisfactory evaluations in the last three years. The employee must be expected to be absent at least two (2) weeks after exhaustion of all leave time. The City Manager is responsible for reviewing the eligibility of the donors and the recipients. Donations may be solicited by the employee, a representative, or by co-workers. *Adopted by City Council on November 21, 2006. Amended by City Council January 5, 2010.*

9-17 **Volunteer Fire and Rescue Leave:** In the interest of public safety, the City supports employees who volunteer their time and service to the volunteer fire and rescue organizations. The following guidelines are to be followed when answering emergency calls:

- A. Rescue Squad: There are scheduled duty crews to operate first-run calls for the Squad; therefore, City employees should answer second-call emergencies only or when additional volunteers are requested on first-run calls.
- B. Fire Department: There are no scheduled duty crews in the fire Department; therefore, City employees will be allowed to leave the job site to assist in all fire calls.

It is the employee's responsibility to record all time that is devoted to fire and rescue calls on their time sheet or time card. Permission must be provided by the supervisor before the employee leaves the job site.

No City vehicle will be driven in a reckless or careless manner when responding to a call. All motor vehicle laws must be obeyed. If another employee is in the vehicle, he or she will return to duty once the volunteer has arrived at the station.

It is the employee's responsibility to return to work as soon as possible and to have his or her name entered in the log for the rescue squad or fire department, including the call time and return time to the station. *Adopted by City Council January 5, 2010*

9-18

Inclement Weather Policy and Compensation – When existing or predicting weather conditions are so severe that an authorized closing or change in schedule appears to be in the best interest of City Hall and its employees, the City Manager or his designee shall ensure; the local media and public safety agencies are contacted to obtain reliable weather information; respective department heads identify which employees may be adversely affected by the weather and workloads; a determination is made as to whether the weather condition is severe enough to recommend an all-day closing or a partial shift closing.

When the City Manager makes the determination, the Department Heads shall:

- A. Identify those employees affected by the decision and into which category they fall for pay and leave consideration.
- B. Submit in writing to the City Manager or his designee, the names of the employees defined as designated who failed to report to work.
- C. Ensure that those employees entitled to compensatory time for that period use it within a reasonable timeframe as determined by the individual department head.

Designated “Essential” Employees

Public Works Employees	Public Utility Employees
Police Department Employees	Other Designated by the City Manager

The City Manager shall notify the Mayor and City Council via a Courier, then notify the radio stations and television stations as identified in the policy, of authorized closing or schedule changes and request that they make a number of public service announcements to inform affected personnel. Each station contacted shall be requested to announce, “The City of Emporia’s Government Center is operating under a Code Red.”

All Day Closing and Partial Day Closing – Non-essential employees absent due to an authorized closing for an entire shift or a partial shift will be paid for such absence. To qualify for such payment, employees must be on paid leave or work the scheduled workday before and the scheduled workday after such closing.

Employees who are on approved leave with pay for an authorized closing will not be charged leave provided they are on paid leave or worked the scheduled workday before and after such closing.

Designated “essential” employees who work their normally scheduled shift during an authorized closing, whether an entire shift closing or partial shift closing, will be credited with compensatory leave for those hours worked.

Designated employees who do not report to work as scheduled must charge time missed to annual leave, sick leave, PTO, compensatory leave, or leave without pay, as determined by the immediate supervisor. *Amended by City Council December 16, 2014.*

When conditions create transportation difficulties that result in late arrival to work, such lost time need not be applied to leave balances nor should the employee otherwise experience loss of pay, if, in the judgment of the City Manager, the lost time was justified in view of conditions.

Corrective action for failure to report may be taken under the Disciplinary Process, if deemed necessary.

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Chapter X

Terminations

- 10-1 **Resignation Notice:** A regular employee resigning his position shall give at least two (2) weeks' notice to his department or division head in order to enable the City to make proper provisions for the filling of his position. Failure to give a proper written notice will be cause to enter on the employee's service record the statement "released with prejudice." All resignations must be filed, by the department or division head, with the City Manager. *Amended by City Council December 16, 2014.*
- 10-2 **Lay Off:** When it is necessary to reduce the number of employees on the City payroll because of lack of work or funds, the City Manager will make a thorough analysis of the problem. He will call upon the department or division heads for assistance in making such a study and in developing sound principles of procedure. Such analysis of the proposed lay-offs will consider the types of activities to be curtailed and the classes of positions thereby affected, the relative weights to be given employees service with the City and the advisability of demoting employees in higher classes to lower classes for which they are qualified, and laying off those in the lower classes. *Amended by City Council December 16, 2014.*
- 10-3 **Disciplinary Dismissals:** (See complete explanation in Chapter VI.)
- 10-4 **Re-employment:** Employees separated from the service through no fault of their own, will be placed on the re-employment list.
- 10-5 **Return of City Property:** Employees are responsible for all property, materials, or written information issued to them or in their possession or control. Employees must return to the department all City property immediately upon request or upon termination of employment. Where permitted by applicable laws, the City may withhold from the employee's paycheck the cost of any items that are not returned when required. The City may also take all action deemed appropriate to recover or protect its property.
- 10-6 **Final Payment:** The department or division head will notify the Payroll Clerk relative to the amount of accrued leave pay due any terminated employee. The final paycheck of the employee for any accrued leave balances will be due and payable on the second regular payday following the employee's termination. *Amended by City Council December 16, 2014.*
- 10-7 **Benefits Continuation (COBRA):** The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the City's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment (except for gross misconduct), or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirement.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the City's group rates plus an administration fee. The City provides each eligible employee with a written notice describing the rights granted under COBRA at orientation when the employee is first hired. The notice contains important information about the employee's rights and obligations.

11-1 Flag Policy 55

Chapter XI

Miscellaneous

- 11-1 **Flag Policy:** The *United States flag* shall be lowered on order of the President of the United States or authorized representative upon the death of principal figures of the US government or the Governor as a mark of respect to their memory. The Virginia flag shall be lowered by order of the Governor or authorized representative. The City of Emporia flag shall be lowered by order of the Mayor, City Manager or authorized representative.

Notification Procedure:

- a. The City Agency notified; usually the Police Department would inform the Mayor, City Manager or authorized representative, who shall authorize appropriate flags to be lowered.
- b. The City Manager's office, or designated representative, will notify appropriate public agencies of the order and duration.

This policy was adopted by Council September 6, 2005