



## **AGENDA**

### **Executive Committee**

**October 8, 2020 -- 8:15 a.m.**

Members of the public may observe the meeting via YouTube:

<https://www.youtube.com/channel/UC9ASolCv7PbihiCYdncLsOA>

**Members will receive a link to the Zoom meeting via email prior to the meeting.**

#### **1. Welcome and Introductions (Spoonhower)**

##### **a. Pledge of Allegiance to the United States of America**

##### **b. Statement regarding Virtual Meetings for PlanRVA .....page 1**

##### **c. Roll Call of Attendees and Certification of a Quorum (Fusco)**

##### **d. Public Comments (Heeter)**

Staff will share any comments that were received in advance of the meeting with members.

#### **2. Old Business**

##### **a. Discussion Item: Voting Procedures (Heeter)**

As a follow up to the September Commission meeting, staff has identified options to reduce the time taken for roll call voting. While roll call votes may be required in certain instances, these options may meet general needs of the Commission and streamline meetings.

Options include:

- Regular/Broader use of a Consent Agenda (reducing total number of actions)
- Consensus based decision making
- Voting by acclamation
- Visual Voting

##### **b. Action Item: Meeting Minutes (Nordvig).....page 3**

**Requested Action:** Motion to accept the September 10, 2020 meeting minutes.

#### **3. New Business:**

##### **a. Discussion Item: Personnel Policy Review Update (Heeter).....page 8**

The latest version of the proposed revisions is included in the meeting packet

for discussion. Mr. Gregory will provide additional recommendations following the meeting and prior to inclusion on the agenda as an Action Item.

**b. Discussion Item: FY2021 Position Openings Update** (Heeter)

Ms. Heeter will provide an update on the status of recruitment for the Manager 4/5 position.

**4. Reports, Updates and Discussion Items:**

**a. Chair's Report** (Spoonhower)

**b. Executive Director's/Staff Report** (Heeter)

Ms. Shickle will provide a verbal agency update and review key items on the Full Commission agenda, time permitting.

**Adjourn**

Targeted Adjournment is 8:55 am.



**Opening Statement for Electronic Meetings  
PlanRVA Regional Commission Meeting, October 8, 2020**

Due to the 2020 COVID-19 virus, meetings of the Richmond Regional Planning District Commission have transitioned to a virtual format in accordance with provisions of Virginia Code § 2.2-3708.2 and related legislation approved by the General Assembly of Virginia during the current period of the Governor's State of Emergency Declaration for COVID.

While we meet in a remote/virtual format, we remain committed to public accessibility and opportunity to participate. Staff provided notice of this meeting to members and the public on Monday September 28, 2020. As this meeting will be recorded, audio and visual recordings and materials will be accessible through the PlanRVA website. Any member of the public participating as an observer during the meeting may submit comments or questions at any time via email at [info@PlanRVA.org](mailto:info@PlanRVA.org). Additional information for how members of the public may participate are included in the meeting materials and on our website.

For the members who are participating in the meeting today, we ask that you identify yourself first when speaking so we can accurately record the activities of the meeting. Please remember to mute your line when not speaking to minimize additional noise and feedback. You may unmute your line at any time to request acknowledgement from the Chair. Staff will be monitoring the chat functions throughout the meeting to assure we do not overlook anyone wishing to participate, as appropriate, in the discussion.

Does anyone have any questions regarding the process for assuring effective facilitation of this meeting or for how members of the public may participate?

By reading this statement, staff certifies that we have followed the approved procedures for appropriate notice of this meeting and the means by which we are convening.

Now, please indicate your presence by saying "HERE" when your name is called during the roll call. Staff members will also be asked to identify themselves and anyone else who wishes to identify themselves following the roll call of members will be invited to do so.

<PAUSE for Roll Call>



**PlanRVA has taken steps to improve accessibility in a virtual setting for the Regional Commission and its subcommittees and work groups. More information on how to engage is contained below.**

---

### **Public Participation**

Members of the public are invited to participate in public meetings of PlanRVA and their respective committees. The following are new ways members of the public can participate in and follow the business of PlanRVA during this time:

1. **Be an Observer:** Anyone wishing to participate as an observer in a public meeting may do so. Members of the public may observe the meeting via YouTube Live Streaming by clicking on the following link:  
<https://www.youtube.com/channel/UC9ASolCv7PbihiCYdncLsOA>
2. **Share Your Opinion and Ask Questions:** Anyone wishing to submit comments or questions prior to the meeting may do so via email at [info@PlanRVA.org](mailto:info@PlanRVA.org). All written comments received by 5 pm the business day preceding the meeting will be provided to members of the public body within a reasonable time period and included in the administrative record.
3. **Inclusive Agenda:** All comments and questions submitted via email during or after the meeting will be reviewed following the meeting and to the extent practical, responses may be provided or posted on the PlanRVA website.



**Executive Committee  
GoToMeeting Virtual Meeting  
Meeting Minutes  
September 10, 2020  
8:15 a.m.**

**Members Present**

<b><u>LOCALITY</u></b>	<b><u>NAME</u></b>	<b>X (attended)</b>
Charles City County	William Coda	
Chesterfield County	Christopher M. Winslow, Vice-Chair	X
City of Richmond	Dr. Cynthia Newbille	X
Goochland County	Neil Spoonhower, Chair	X
Hanover County	Sean Davis, Treasurer	X
Henrico County	Tyrone Nelson	X
New Kent County	Patricia Paige	X
Powhatan County	Larry J. Nordvig, Secretary	
Town of Ashland	Mr. Daniel McGraw	X

**Others Present**

Eric Gregory.....Hefty, Wiley & Gore, PC

**Staff Present**

Martha Heeter.....Executive Director  
Terry Eckhout.....Director of Finance  
Diane Fusco.....Office Manager  
Sidd Kumar.....Project Coordinator

The PlanRVA Executive Committee meeting was held by electronic communication means as set forth by the April 22, 2020 actions of the General Assembly in response to the continued spread of novel coronavirus, or COVID-19. The technology used for this meeting was a web-hosted service created by GoToMeeting and was open and accessible for participation by members of the public. A recording of this meeting is available on our [Plan RVA YouTube Channel](#).

**Call to Order**

Chairman Spoonhower called the PlanRVA Executive Committee meeting to order at approximately 8:15 a.m.

**Ashland | Charles City | Chesterfield | Goochland | Hanover | Henrico | New Kent | Powhatan | Richmond**

Richmond Regional Planning District Commission

**Executive Committee Meeting Minutes – September 10, 2020 – page 1**



## **Attendance Roll Call & Certification of a Quorum**

Ms. Heeter read the opening statement for Electronic Meetings.

Ms. Fusco took attendance by roll call and Ms. Heeter confirmed a quorum of the body was present.

## **Public Comment Period**

There was a motion to amend the agenda to reflect two opportunities for public comment as announced in the meeting's opening statement.

On motion of Mr. Davis, seconded by Mr. McGraw the Executive Committee approved amending the agenda to include an additional opportunity for public comment as detailed in the opening statement. A roll call was completed to confirm, and the motion carried unanimously (Appendix A).

Chairman Spoonhower opened the meeting to public comment. There were no requests for comments from the public.

## **Minutes for the August 13, 2020 Meetings**

On motion of Mr. Davis, seconded by Rev. Nelson, the Executive Committee approved the minutes of the August 13, 2020 meeting. A roll call was completed to confirm, and the motion carried unanimously (Appendix A).

## **Executive Committee and Chairman's Reports**

Ms. Heeter referenced draft personnel policy updates which were included in the agenda packet. The information is provided as an update only with no actions necessary at this time as staff is still working to finalize a final draft for Commission review and approval. Suggestions and feedback are welcomed.

Some changes are driven from 2020 General Assembly actions. Other items are intended to manage remote work schedules due to the current environment and provide additional guidance for necessary flexibility. The goal is to have items ready for action by the October Commission meetings depending on feedback from staff and legal review.

Mr. Winslow asked what staff concerns were with converting current vacation and sick leave process to a PTO system. Ms. Heeter described concerns for conversion of unused sick leave accruals to PTO balances and likelihood that total leave allocations would be decreased for staff.

Mr. Davis discussed conversion issues encountered in his locality. He asked if there has been any discussion over staff not losing their banked sick leave. Ms. Heeter said there are many options to still consider related to a conversion of paid time off.

Chairman Spoonhower suggested having additional information available when the staff survey is complete and include specific changes from the General Assembly. Ms. Heeter agreed to provide comments that will provide rationale for changes – compliance with new rules, HR best practices, or changes led by staff.

### **New Positions**

Ms. Heeter introduced the topic of recruitment for new positions with the intention to find out what information would be helpful for the Executive Committee and Full Commission to consider approval. She provided some background on the budget that was developed last year that included these positions and the agreement that she would come back at a later date with more specifics.

Ms. Heeter discussed the three positions currently being considered. She said she feels the most urgent need is to fill the position designed to manage board support.

Mr. Winslow said he sees the need for the first position particularly with the creation of the CVTA and would support this position. Rev. Nelson commented that the addition of staff is needed to do the work that needs to happen.

Dr. Newbille asked if action was needed from the Executive Committee and confirmed her support of the positions.

Ms. Shickle asked for approval to advertise and recruit for the first position (Manager 4/5) with understanding the Commission must approve prior to filling it.

On motion of Dr. Newbille and seconded by Mr. Winslow, the Executive Committee agreed to initiation of recruitment for the Manager 4/5 position with plan to request Commission approval in October. A roll call was completed to confirm, and the motion carried unanimously (Appendix A).

### **Chairman's Report**

Chairman Spoonhower noted he would save his comments for the Full Commission meeting.

### **Executive Director's Report**

Ms. Heeter mentioned the CVTA launch and work to move that forward. She also discussed audit that is currently underway with audit report due to Commission in November.

Information was also provided on current activities related to staff members' return to the office. Some meetings that are being held in person with proper restrictions in place to accommodate current CDC guidelines

### **Public Comment Period**

There were no comments from the public.

## Adjourn

On motion of Dr. Newbille and seconded by Rev. Nelson Chairman Spoonhower adjourned the meeting at approximately 8:55 a.m.

## APPENDIX A

### PlanRVA Executive Committee - Voting Record

Date of Meeting: September 10, 2020

#### Amend agenda to include additional public comment period

<u>Locality</u>	<u>Member</u>	<u>AYE</u>	<u>NAY</u>	<u>Abstain</u>
Chesterfield County	Christopher Winslow, Vice-Chair	X		
City of Richmond	Dr. Cynthia Newbille	X		
Goochland County	Neil Spoonhower, Chair	X		
Hanover County	Sean Davis, Treasurer	X		
Henrico County	Tyrone Nelson	X		
New Kent County	Patricia Paige	X		
Town of Ashland	Daniel McGraw	X		

#### Item 2a. Minutes for the August 13, 2020 Meeting

<u>Locality</u>	<u>Member</u>	<u>AYE</u>	<u>NAY</u>	<u>Abstain</u>
Chesterfield County	Christopher Winslow, Vice-Chair	X		
City of Richmond	Dr. Cynthia Newbille	X		
Goochland County	Neil Spoonhower, Chair	X		
Hanover County	Sean Davis, Treasurer	X		
Henrico County	Tyrone Nelson	X		
New Kent County	Patricia Paige	X		
Town of Ashland	Daniel McGraw	X		



**Item 3b. Recruitment for Manager 4/5 Position**

*(filling position will be pending approval from Full Commission)*

<u>Locality</u>	<u>Member</u>	<u>AYE</u>	<u>NAY</u>	<u>Abstain</u>
Chesterfield County	Christopher Winslow, Vice-Chair	X		
City of Richmond	Dr. Cynthia Newbille	X		
Goochland County	Neil Spoonhower, Chair	X		
Hanover County	Sean Davis, Treasurer	X		
Henrico County	Tyrone Nelson	X		
New Kent County	Patricia Paige	X		
Town of Ashland	Daniel McGraw	X		

# **Personnel Policies of the Richmond Regional Planning District Commission**

**October 1, 2020**

## Mission Statement

We strive to make our Region better, together by partnering to achieve outcomes that matter.

## Table of Contents

<b>1. General Provisions .....</b>	<b>34</b>
1.1. Purpose and Intent.....	34
1.2. At Will Employment.....	34
1.3. Process for Policy Review and Amendments .....	34
1.4. Office Management Practices and Procedures .....	45
<b>2. Employee Classification .....</b>	<b>45</b>
2.1. Employment Types.....	45
2.2. Equal Opportunity Employment ...	45
2.3. Recruitment .....	6
2.4. Criminal and Financial Records Check .....	7
2.5. New Employee Orientation .....	7
2.6. Probationary-Introductory Period ..	78
<b>3. Performance Expectations .....</b>	<b>8</b>
3.1. Performance Evaluation .....	8
3.2. Standards of Conduct .....	89
3.3. Drug and Alcohol-Free Workplace..	11
3.4. Workplace Violence.....	12
3.5. Harassment.....	12
3.6. Conflict of Interest .....	13
3.7. Political Activity .....	13
3.8. Criminal Charges .....	14
3.9. Secondary Employment .....	15
3.10. Use of Electronic Devices .....	15
3.11. Open Door Policy.....	1716
3.12. Whistleblower Protection Policy ..	1817
3.13. Solicitation .....	1918
<b>4. Employment Conditions and Benefits .....</b>	<b>1918</b>
4.1. Work Schedules .....	1918
4.2. Leave and Holidays.....	2219
<b>5. Professional Development .....</b>	<b>2924</b>
5.1. Values and Commitment .....	2924
5.2. Travel.....	2924
<b>6. Compensation.....</b>	<b>2925</b>
6.1. Payroll .....	2925
6.2. Payroll Deductions.....	2925
6.3. Pay at Separation .....	3025
6.4. Overtime and Compensatory Leave ..	3025
6.5. Pay Increases.....	3126
6.6. Benefits.....	3126
<b>7. Discipline.....</b>	<b>Error! Bookmark not defined.27</b>
7.1. Disciplinary Actions.....	Error! Bookmark not defined.27
7.2. Grievances .....	3328
<b>8. Separation.....</b>	<b>3429</b>
8.1. Voluntary Separations and Retirement.....	3429
8.2. Dismissals.....	3429
8.3. Reductions in Force .....	3429
8.4. Return of Property .....	3529
<b>9. Employee Records .....</b>	<b>3530</b>
9.1. Personnel Records .....	3530
9.2. Personal Information .....	3530
9.3. Confidentiality .....	3530

## 1. General Provisions

### 1.1. Purpose and Intent

The Richmond Regional Planning District Commission (the Commission) is a regional planning agency formed under the Virginia Area Development Act of 1968, later revised as the Regional Cooperation Act of 1995. It exists through a Charter Agreement of the Counties of Charles City, Chesterfield, Goochland, Hanover, Henrico, New Kent and Powhatan, the City of Richmond and the Town of Ashland. The Commission employs individuals to carry out the work of the agency. As such, a Personnel Policy document was created (herein) to set out general guidelines and principles that reflect prudent and practical considerations in achieving the Commission's mission. The policies are intended to fulfill the following purposes:

- provide common terms and definitions for personnel administration;
- provide equitable conditions of employment for employees of the Commission;
- establish and maintain uniform standards of employment and compensation;
- aid supervisors in dealing with personnel issues; and
- aid employees in assuring successful employment.

### 1.2. At Will Employment

All employees of the Commission are employees at will and may be dismissed from employment at any time. Employees who have completed all probationary introductory periods may grieve such actions according to the guidelines of the Agency's Grievance Procedure and as outlined in the Code of Virginia § 15.2:1506. Nothing within this policy should be construed as a contract for employment as employment is entered into voluntarily, and as such, the employee is free to resign at any time, with or without cause. Likewise, the Commission may terminate an employment relationship any time with or without notice or cause as long as it does not violate applicable federal/state laws.

**Commented [MH1]:** Updated use of "probationary" to introductory on advice from T Stevens with VRSA. Suggestion projects a more positive tone.

#### 1.2.1 Funding

All staff positions, regardless of employee classification or type, are subject to funding available through the budget process and are contingent on the needs of the Commission. No position or funding is guaranteed.

### 1.3. Process for Policy Review and Amendments

The personnel policies set forth in this manual supersede all previous policies, and, having been originally adopted by the Commission board, serve as the personnel rules and regulations governing all employees. The policies described herein may be changed or amended by action of the Commission on recommendation from the Executive Committee or by staff authorized by the Executive Committee to make such amendments or changes. If any part of these policies is held to be

unconstitutional, illegal or otherwise unenforceable, that part shall be deemed severable, and the holding shall not affect the validity and enforceability of the remainder.

#### 1.4. Office Management Practices and Procedures

The Commission determines personnel policies based on input from the Executive Committee or by staff authorized by the Executive Committee to make such amendments or changes. Establishment of office management practices and procedures is at the discretion of the executive director who may delegate duties and responsibilities as necessary. Office management practices and procedures are further described

in administrative documents issued by the Executive Director. Together, the Personnel Policies and these practices and procedures comprise the employee handbook.

**Commented [MH2]:** This update is more accurate to our reality. we're working to build an internal sharepoint site to serve as an employee intranet, but it has gone more slowly than I anticipated.

## 2. Employee Classification

### 2.1. Employment Types

Commission employees may be hired to fill positions that are classified as Exempt or Non-Exempt; Full or Part time, and for temporary or regular positions. Generally, Exempt employees are not subject to requirements of the federal Fair Labor Standards Act related to overtime pay, while Non-Exempt employees are in positions whose compensation is subject to the Act's overtime requirements.

Full Time employees are those who are regularly scheduled to work for the Commission on a weekly schedule of at least 40 hours per week. Part-time employees are those who are regularly scheduled to work less than 32 hours per week. Temporary positions may be filled for a specific project need or objective for a specified period. Contract based employees and interns are considered temporary employees.

### 2.2. Equal Opportunity Employment

The Commission is an Equal Opportunity Employer. Its policies and practices are intended to promote equal opportunity and prohibit discrimination with respect to recruitment, selection, placement, training, and promotion of employees.

The Commission will provide equal opportunity in employment and administer employment policies without regard to race, color, religion, sex, age, gender, gender identity/expression, sexual orientation, national origin, political affiliation, pregnancy, childbirth or related medical conditions, marital status, disability or status as a veteran to all applicants and employees on the basis of fitness, merit, and job related qualifications without regard to race, color, national origin, religion, sex, disability, age, citizenship status, political affiliation, genetic information or any other legally protected characteristic except where such is a bona fide qualification in accordance with applicable federal and state equal opportunity laws. Discrimination based on

race includes discrimination because of an individual's hair style, type or texture which is prohibited under Virginia law.

This policy applies to every aspect of employment practices, including the provisions of this Policy as well as the following, but not limited to:

- A. Recruiting, hiring and promoting in all job classifications except where such a factor can be demonstrated as a bona fide occupational qualification.
- B. All decisions for hiring or promotions shall be based solely on each individual's qualifications for the position to be filled.
- A.C. Other personnel actions such as compensation, benefits, transfers, layoffs, training and assignments.

In accordance with the federal Americans with Disabilities Act (ADA), the Commission ensures equal employment opportunity for qualified persons with disabilities. Qualified individuals with disabilities are entitled to non-discriminatory treatment in recruitment, hiring, promotions, demotions, disciplinary actions, terminations, work assignments, employee development, performance evaluations, compensation, and benefits. The Commission is also committed to prohibiting discrimination against any qualified applicants or employees because they are related to or associated with a person with a disability. The Commission is committed to providing reasonable accommodation to enable qualified employees with disabilities to perform the essential functions of the job, unless doing so would create an undue hardship. The employee has the responsibility to request an accommodation. The Commission is entitled to ask for and receive medical information showing that the requestor has a covered disability that requires accommodation. It is the responsibility of the employee to provide appropriate medical information requested by the Commission. All employment decisions are based on the merits of the situation in accordance with defined criteria, not the disability of the individual.

Further, the Commission complies with the Virginia Human Rights Act in providing for non-discrimination and reasonable accommodation in employment on the basis of pregnancy, childbirth and related medical conditions.

Any person covered by the Commission's personnel policies who believes there has been a violation of any provision contained herein may make a complaint to their supervisor or to the next level of supervision, as appropriate. Necessary action to investigate the reported violation will be taken.

The Commission prohibits any form of retaliation against employees for bringing information regarding violations of policy to the attention of management.

The adoption of the Personnel Policy is a reaffirmation of adherence to and promotion of the policy of nondiscrimination. Any person employed by the Commission who fails to comply with this policy is subject to Commission disciplinary procedures.

**Commented [MH3]:** This language provided to us by VRSA following GA Action in 2020.

**Commented [MH4]:** Updated to reflect 2020 GA Action

### 2.3. Recruitment

In general, the Commission will initiate a recruitment process upon notification and realization of a vacancy in an existing position or for a new position. In addition, there may be special circumstances for initiating hiring procedures including Emergency Hiring, Temporary Hiring or use of Temporary Employment Agencies. In all circumstances, the budget must support the recruitment process and demonstrate reasonable assurance that funds are available to sustain the position for the anticipated period of time for service.

It is the responsibility of the appropriate supervisor to report promptly to the executive director any vacancies that may occur. If it is known in advance that a position will become vacant through resignation, retirement, or other cause, the supervisor should send a written notice to the executive director as soon as it is known the incumbent will leave the position.

Prior to initiation of a recruitment process, a job description must be developed and reviewed against current staff capability and assignments. If the position needs are determined to be outside the capacity of the current staff makeup, the position may be advertised in any manner appropriate to assure the intended recruitment for the position. In all cases, internal applicants will be considered for position openings and internal posting may be provided prior to a broader public announcement, though not in every circumstance.

**Commented [MH5]:** Language intended to clarify based on staff input.

If any veteran, surviving spouse, or child, or member of the National Guard applies for employment with the Commission, that application will be treated in a manner consistent with federal law and Virginia Code § 2.2-2900, *et seq.*

Employment and promotions require approval by the executive director and salary adjustments are effective only at the beginning of a pay period unless otherwise approved.

Immediate family members shall not work in a supervisor-subordinate relationship or in any configuration of positions where there may exist a conflict of interest or possibility of collusion without approval from the Commission's Executive Committee.

New employees having minimum qualifications normally are hired within the lower half of the pay range for the classification. The executive director may authorize recruitment for a position at higher than the base level after considering years of comparable experience, education, responsibility of the candidate, salary history and other qualifications and factors, subject to availability of funds and internal consistency with existing employee pay levels. Following initial hiring, changes in compensation are related to job performance and agency funding.

Some positions may require additional steps in completing the recruitment process; employees subject to these additional steps will be considered in provisional status until all steps are completed. These may include receipt of physical evaluations, drug

screening or criminal or financial records information and would be indicated as required in the position advertisement and description.

#### **2.4. Criminal and Financial Records Check**

In the interest of public welfare or safety, employees may be subject to a pre-employment criminal and/or financial records check. Following a provisional offer of employment, the agency will request a criminal and/or financial record check of the prospective employee depending on the responsibilities of the position and as indicated in the position announcement. Upon receipt of information which indicates a criminal conviction and/or questionable financial history, the executive director or designee will determine if there is a connection between the crime committed and the position sought. In cases where the executive director or designee determines that the criminal or financial record is incompatible with the nature of employment, the provisional employment offer will be withdrawn. The decision of the executive director shall be final. Criminal history and financial records will be kept confidential.

#### **2.5. New Employee Orientation**

During a new employee's first week of employment, they shall attend an orientation meeting coordinated by the position's supervisor. The orientation meeting will generally provide information on what employees can expect from the Commission, and what the Commission expects from an employee. Information on benefits available to Commission employees will be provided. Each new employee will receive the Employee Handbook and be asked to sign a statement indicating receipt and acceptance of the provisions.

#### **2.6. Introductory Period**

All new employees hired to fill a regular, full-time or part-time non-temporary position shall serve an introductory period totaling six months of paid employment. The introductory period is a span of time during which an employee is evaluated by the supervisor on the performance of the duties of the position, and on those qualities which comprise the overall makeup of an employee, including such things as job knowledge, quality of work, dependability, and adherence to policies and procedures.

Upon the successful completion of the introductory period, a performance evaluation should be made by the appropriate supervisor, and discussed with the employee, to develop a better understanding of their relationship to the work program and to help the employee develop greater effectiveness and usefulness to the organization.

Introductory employees may be terminated during or at the conclusion of the introductory period and such termination shall not be subject to the grievance process.

**Commented [MH6]:** Updated "Probationary" with "Introductory" on advice from VRSA.



### 3. Performance Expectations

#### 3.1. Performance Evaluation

The Commission intends for an annual performance evaluation to be conducted for all full and part time staff members. Interns, temporary, or other contract employees who serve a period that does not extend into an annual appraisal period should have an evaluation process established to fit their assigned work term. Evaluations will be made by the appropriate supervisor, and discussed with the employee, to develop a better understanding of the relationship to the work program and to help the employee develop effectiveness and usefulness to the organization. Performance expectations for the subsequent review period will be identified. The executive director will be evaluated by the Executive Committee.

New employees shall be evaluated at the end of the [introductory](#) period.

For employees promoted to a higher classification, a performance evaluation will be conducted at the end of a three- and six-month review period. Unsatisfactory performance as indicated by the performance evaluation will result in return to the employee's former position, if still available, and pay rate without prejudice and without recourse through the grievance procedure. If the former position has been filled or eliminated, the employee may be placed in a noncompetitive vacant position at a lower grade.

Independent of the annual performance evaluation, when unsatisfactory performance is noted, the immediate supervisor, with concurrence of the executive director, shall provide written notification of such performance to the employee who then is considered a Conditional Employee. The executive director, immediate supervisor and employee shall meet to discuss the employee's performance and develop a Performance Improvement Plan and timetable for a follow-up evaluation. If the follow-up evaluation again indicates unsatisfactory performance during the conditional period, the employee will be subject to further disciplinary action up to and including termination.

#### 3.2. Standards of Conduct

A priority of the Commission is to provide a working environment where trust is valued. To achieve this trust, the Commission requires truthfulness and integrity among fellow employees. Employees have a responsibility to encourage honesty, accountability, and ethics. Compliance with the Standards of Conduct is the responsibility of every employee. Disregarding or failing to comply with this policy or any other Commission policy could lead to disciplinary action, up to and including termination of employment. The following are general standards of conduct for all employees:

### **3.2.1 Direction from Supervisor**

To help guide employees in the performance of their jobs, supervisors will often give specific direction to employees. The Commission expects employees to follow and abide by direction/direct orders given to them by any supervisor, especially those within their chain of supervision. Employees are expected to perform their assigned duties as directed by a supervisor and to promptly comply with a supervisor's orders. Delay or refusal to perform assigned duties or to comply with a supervisor's direction will be considered "insubordination" and constitutes a violation of this policy. In addition, behavior, public or private, from an employee who exhibits inappropriate expression of hostility, disloyalty, antagonism, or discontent toward supervision would constitute a violation of this policy.

### **3.2.2 Attendance**

Attendance is an essential job function for all employees. Employees are expected to regularly, consistently and predictably work their assigned schedule. Leave (both paid and unpaid) is not intended to be used by employees to regularly reduce their work schedule. While leave is a benefit, it is not an entitlement; and employees are expected to have obtained authorization for all leave prior to using it. Absences from the workplace (even when supported by paid leave) that are so frequent, numerous and/or irresponsible as to impair the agency's functioning, as well as excessive use of unauthorized leave constitutes a violation of this policy. Employees who are ill or unable to work may qualify for FMLA as discussed in Section 5.2.2

Any employee who fails to report to work for three consecutive scheduled workdays without notice or communication will be considered absent without leave and will be subject to disciplinary action up to and potentially including termination.

### **3.2.3 Position Competency**

Employees should maintain sufficient competency to perform their duties and to assume the responsibilities of their position. Demonstrating inability to perform satisfactorily after a performance issue has been identified and/or corrective action has been taken to improve deficiencies; or repeated infractions of Commission policies and/or procedures will be considered "incompetence" and constitutes a violation of this policy.

### **3.2.4 Regard of Duty**

Employees should fulfill their job duties and responsibilities at all times, including following all laws and Commission policies related to such. Poor performance; sleeping on the job; misuse or abuse of time during work hours; or leaving the job during working hours without proper notification are all examples of violations of this policy. These, and other violations of this policy are considered neglect of duty.

### **3.2.5 Use of Commission Property**

Commission vehicles, materials, equipment, supplies or other items used by or assigned to employees are for official Commission business only. Any unauthorized or inappropriate use of Commission property; negligence in the care or handling of Commission property; intentional abusive destruction of Commission property; and the theft of Commission property or of another employee's property is strictly prohibited and will be dealt with as Commission policy and the law provide. All items assigned to the employee to complete the requirements of the position should be returned to the Commission prior to the employee's date of separation.

### **3.2.6 Confidential Information**

During their public employment, employees may be expected to handle or otherwise acquire knowledge of a variety of information, much of which is confidential in nature. Employees shall not inappropriately share or disclose confidential information and shall take steps to ensure such information is properly protected and used appropriately, solely for purposes of Commission business.

### **3.2.7 Public Trust**

Employees provide a variety of services to the public. Employees shall carry out those duties in a manner that enables and always supports the trust of the public.

### **3.2.8 Records and Documents**

During their employment, employees may be expected to produce records, reports, and documents for both internal and external purposes. Accuracy and integrity relating to the data contained in those records, reports and documents is essential. Falsification of any record, report or document, including time tracking, is prohibited and will be handled in accordance with appropriate law and Commission policy.

### **3.2.9 Truthfulness and Integrity**

Trust and integrity are essential elements of leadership at all levels. Employees shall be truthful in all interactions with the public, their supervisors and their fellow employees during all aspects of their jobs, including, but not limited to, participation in internal and external administrative investigations. Purposely omitting information to mislead a supervisor or other individual conducting a work-related investigation constitutes a violation of this policy.

### **3.2.10 Professional Conduct**

Employees should always conduct themselves, both on and off duty, in such a manner as to reflect most favorably on the Commission. Any conduct that tends to bring the Commission into disrepute or reflect discredit upon an individual as an employee constitutes a violation of this policy. In addition, failure to display

responsible behavior or act responsibly in the workplace, including behavior that disrupts job duties or normal work routine, or creates risk of danger to the safety of others, constitutes a violation of this policy.

The Commission strives to maintain a workplace environment that is well-functioning and free from unnecessary distractions and annoyances. As part of that effort, employees must maintain a neat and clean appearance that is appropriate for the workplace setting and for the work being performed.

All employees are expected to present a professional, businesslike image to clients, visitors, customers and the public. Acceptable personal appearance, like proper maintenance of work areas, is an ongoing requirement of employment with the Commission.

Any staff member who does not meet the attire or grooming standards will be subject to corrective action and may be asked to leave the premises to change clothing. Hourly paid staff members will not be compensated for any work time missed because of failure to comply with designated workplace attire and grooming standards.

### **3.3. Drug and Alcohol-Free Workplace**

As a recipient of federal funds, and pursuant to the Federal Drug-Free Workplace Act of 1988 (P.L. 100-690, Title V, Subtitle D), the unlawful manufacture, distribution, possession, sale, or use of a controlled substance is prohibited in the Commission's workplace. In addition, reporting to work under the influence of alcohol or controlled substances is prohibited. Violations of these prohibitions will result in appropriate personnel action against an employee up to and including termination.

All employees, as a condition of employment with the Commission, shall abide by the terms of this policy and shall notify the Commission of any criminal drug conviction for a violation occurring in the workplace no later than five days after such conviction. Employees observing behavior that suggests impairment of any kind should report this immediately to his or her supervisor or next available supervisor for further action. Regardless of supervision, any supervisor is obligated to forward a claim of impaired behavior as soon as information is available to him or her.

The executive director and employee's supervisor are authorized to require any employee to submit to professionally administered drug/alcohol testing if an employee's behavior or performance on the job is indicative of reasonable suspicion of employee impairment during working hours or a substance abuse problem.

In all cases, a refusal to submit immediately to a drug or alcohol test when requested, including failure to appear for testing, without prior notice acceptable to the executive director or a verified positive test finding of alcohol or illegal drug use will subject the employee to the full range of disciplinary action up to and including dismissal; or in the case of an applicant, the withdrawal of a conditional offer of employment.

For purposes of maintaining a workplace free of drugs and alcohol, the Commission reserves the right to search all Commission workplaces, including but not limited to offices, desks, and file cabinets.

### **3.4. Workplace Violence**

To preserve a safe workplace and environment for all employees, the Commission promotes open communication with regard to concerns of safety or threats of violence in the office or in the course of conducting business on behalf of the Commission. Any circumstance in which an employee feels the threat of safety or violence should be reported to a supervisor or the executive director immediately.

Any supervisor who receives a complaint or has knowledge of violence or threatened violence occurring in the workplace shall ensure that the matter is investigated appropriately. In instances where criminal laws may have been violated, the police department shall be notified. Substantiated instances of inappropriate behavior shall result in appropriate disciplinary action, up to and including termination.

Violence, threatened violence, or inappropriate behavior conducive to violence is prohibited. Prohibited acts include aggression or threatened aggression, which may be verbal or physical, and which may include harassment, name-calling, swearing, inappropriate or excessive displays of anger, verbal or physical intimidation, and physical attack directed towards persons or property.

### **3.5. Harassment**

It is the policy of the Commission that all employees have a right to work in an environment free from discrimination, which includes freedom from harassment – whether that harassment is based on race, color, religion, sex, age, gender, gender identity/expression, sexual orientation, national origin, political affiliation, pregnancy, childbirth or related medical conditions, marital status, disability or status as a veteran, race, color, national origin, religion, sex, sexual or gender identity, disability, age, or any other legally protected characteristic. The Commission prohibits harassment of its employees in any form – by supervisors, co-workers, stakeholders, citizens or vendors.

**Commented [MH7]:** Language updated to comply with 2020 GA

Such conduct may result in disciplinary action up to and including dismissal of the employee who harasses others and/or the supervisor who tolerates such conduct. Persons who are not employees who engage in offensive and/or harassing behaviors or language will be asked by the supervisor or executive director to leave the premises.

No supervisor shall threaten or insinuate either explicitly or implicitly that any employee's submission to or rejection of sexual advances will in any way influence any personnel decision regarding that employee's employment, performance appraisal, wages, advancement, assigned duties, or any other condition of employment or career development.

Other harassing conduct in the workplace, whether physical or verbal, committed by supervisors or others is also prohibited. This includes: slurs, jokes or degrading comments concerning race, color, religion, sex, age, gender, gender identity/expression, sexual orientation, national origin, political affiliation, pregnancy, childbirth or related medical conditions, marital status, disability or status as a veteran, or membership in other protected groups; repeated offensive sexual flirtation, advances, or propositions; continual or repeated abuse of a sexual nature; graphic verbal comments about an individual's body; and the display in the workplace of sexually suggestive objects or pictures.

**Commented [MH8]:** language updated to comply with 2020 GA

All employees are subject to and protected by this provision, including those who have not completed an introductory period or who are in provisional or conditional status.

Employees who have complaints of harassment should report such conduct to their supervisor or the executive director immediately. Supervisors who receive such a complaint must notify the executive director immediately so an investigation may be initiated. All complaints will be taken seriously and where possible confidentiality protected. The Commission cannot guarantee complete anonymity of the complainant in every circumstance in order to properly address the situation. Where investigation confirms the allegations, appropriate corrective action will be taken and may result in disciplinary action for the offending employee up to and including termination. All employees who are asked to participate in an investigation are required to do so. Failure to participate may be viewed as complicit in the harassment; these instances will be addressed with appropriate corrective action.

The Commission has zero tolerance for retaliation against any employee who raises a complaint of harassment.

**Commented [MH9]:** Updates following advice from VRSA

### **3.6. Conflict of Interest**

It is the responsibility of every employee to conduct themselves in an ethical manner in the workplace and to either avoid potential or actual conflicts of interest and to report such instances if they arise. Employees are encouraged to review professional ethics standards provided through professional societies and associations and to conduct themselves in a manner consistent with applicable state and federal requirements. Although agency employees are not subject to the Virginia State and Local Government Conflicts of Interest Act (Va. Code § 2.2-3100, *et seq.*), they are encouraged to become familiar with its standards and requirements and to abide by its principles. Questions concerning interpretation, or the application of the Act may be directed to the executive director.

### **3.7. Political Activity**

All employees are free to engage in political activity to the widest extent consistent with the restrictions imposed by law. Because the agency receives federal funds, the federal Hatch Act is recognized as Commission policy, which applies to the political

activity of certain state and local government employees. Covered employees under the act are persons principally employed by state or local executive agencies in connection with programs financed in whole or in part by federal loans or grants.

Employees with questions regarding political activity and eligibility under the Hatch Act may seek guidance from their supervisor or the executive director but are encouraged to review the current federal language or seek a legal opinion prior to undertaking questionable activity.

In general, the Hatch Act, as of the drafting of this policy, provides that Commission employees may:

- run for public office in nonpartisan elections;
- campaign for and hold office in political clubs and organizations;
- actively campaign for candidates for public office in partisan and nonpartisan elections; and
- contribute money to political organizations and attend political fundraising functions.

Covered state and local employees may not:

- be candidates for public office in a partisan election;
- use official authority or influence to interfere with or affect the results of an election or nomination;
- directly or indirectly coerce contributions from subordinates in support of a political party or candidate; and
- discriminate in favor of or against any person or applicant for employment or services based on political affiliation or activity.

Additionally, employees may, under specific circumstances, seek the advice of the Commission's legal counsel or the Office of the Commonwealth's Attorney.

### **3.8. Criminal Charges**

Any employee convicted of a felony, sex offense, and offence involving moral turpitude (including lying, stealing or cheating), a serious misdemeanor, or other related offenses, including employees subject to a protective order, is required to report such conviction or order to their supervisor within five (5) days of the conviction or order. In addition, employees are expected to report any arrest or order that may interfere with, or prevent the Commission from carrying out its services, to the employee's supervisor.

The Commission will take appropriate action to investigate or review the circumstances leading to convictions or arrests. If the Commission determines that those circumstances interfere with the employee completing duties related to the position or interfere with the effective delivery of Commission services, the employee may be subject to disciplinary action.

### 3.9. Secondary Employment

Employees may participate in other gainful, supplemental jobs, provided the service performed in their regular Commission position is not impaired or compromised. Employees working a second job must notify and have written approval of the executive director. This approval will be noted in the employee's personnel file and is conditional upon the secondary employment not interfering with Commission work.

No employee of the Commission shall engage in or accept other public or private employment, or render services for other interests, when such employment or service may be incompatible with the proper discharge of his independence of judgment, attentiveness, or action in the performance of official Commission duties. Failure to notify the Commission of secondary employment or a determination by the employee's supervisor that secondary employment is interfering with Commission employment may be cause for the executive director to impose a conditional status on the employee.

### 3.10. Use of Electronic Devices

The Commission encourages the use of electronic communications by its employees and provides access to and equipment necessary to fulfill these expectations according to position. The following are intended to serve as guidelines for acceptable use of Commission-owned, provided and supported equipment, software and data. While this section does not enumerate all possible uses of Commission-owned equipment, it is expected that employees exercise professional judgment in determining inappropriate or misguided use of Commission-owned equipment, data and networks to protect against risk of data loss, data theft, malware, litigation, loss of productivity, noncompliance with state and federal laws related to records retention and freedom of information and inefficient use of Commission resources.

Employees may employ personal devices – such as smart phones or tablets – to enhance the efficiency of their work but are not required to do so. Any use of electronic devices that require access to the agency's secure networks should be approved by the employee's supervisor and reviewed for conformance with the agency's security requirements.

The Commission's electronic communications systems are the property of the agency and are intended for use in carrying out government business. The Commission retains all personal property rights in any matter created, received, or sent via the agency's electronic communications systems, and such matter is not the property of the employee. The contents of electronic mail may be disclosed to individuals authorized within the organization without the permission of the sender or recipient. Persons using electronic communications services must not assume that messages are confidential because a private password is used. The use of passwords to gain access to the electronic communications systems is for the protection of the Commission, not the employees. The Commission must have access to the entire

**Commented [MH10]:** Updated to include current remote work setting



network. The Commission assures regular backups on all networked systems to facilitate recovery in case of system failure or disaster.

Electronic communications are official records under both the Virginia Freedom of Information Act and the Virginia Public Records Act. As a result, electronic communications are potentially subject to disclosure under either or both acts.

Although access to information and information technology is essential to the missions of government agencies and their users, use of electronic communications services is a revocable privilege. Conformance with acceptable use, as expressed in this policy, is required.

While in the performance of work-related functions, while on the job, or while using publicly owned or publicly provided information processing resources, employees are expected to use these resources (including telephone, mobile device communications, fax, electronic mail, Internet) responsibly and professionally and shall make no intentional use of these resources for any unlawful or inappropriate purpose. Employees may make reasonable personal use of publicly owned or provided resources as long as:

- the use is minimal and does not encroach on employee productivity or Commission time;
- there is no cost to the agency;
- there is no negative impact on employee performance of public duties; or
- no other provision in this policy is violated, including that which prohibits intentional use of resources for an unlawful purpose.

### **3.10.1 Social media policy**

Only those employees authorized by the executive director are permitted to upload content to any of the Commission's websites or social media platforms. All content must be approved by the executive director or designee prior to posting. The following are guidelines developed for managing content on Commission operated social media platforms. Any employee responsible for uploading content should be familiar with these guidelines and assist in the enforcement of these guidelines. Any identification of violation should be reported to the executive director immediately.

We encourage questions, comments, and concerns about matters about the Richmond Region by email, telephone, or by submitting comments to posts, however, please note these sites are not public forums, but moderated discussion boards reviewed periodically during normal business hours. Material covered by this policy includes not just comments, but also videos, images, and links to other sites. PlanRVA reserves the right to remove any material that, in whole or in part, does not comply with this policy or applicable law.

Posts that are not allowed and are therefore subject to immediate removal are:

- [Comments not related to the site's topics or to government business;](#)
- [Comments that contain profanity;](#)
- [Content that promotes discrimination on the basis of race, creed, color, age, religion, gender, marital status, disability or sexual orientation;](#)
- [Content that constitutes personal attacks or threats against other users or individuals \(libelous, harassing or abusive statements\);](#)
- [There can be no submission of personal information or likenesses of other persons without their consent;](#)
- [Sexual content or links to sexual content;](#)
- [Promotions of political campaigns or candidates;](#)
- [Posts that promote illegal activity;](#)
- [Infringes on copyrights or trademarks;](#)
- [Information that may compromise the safety or security of the public or public systems;](#)
- [Spam or unrelated solicitations."](#)

**Commented [MH11]:** Incorporated following review by Public Outreach & Engagement Committee and HWG in FY20

### 3.11. Open Door Policy

The purpose of our open-door policy is to encourage and promote open and direct communication, feedback and discussion about any matter of importance to any employee.

The nature and professional quality of work done by the Commission makes it necessary that open communication exists between employees and the various levels of supervision/management. This means that every manager's door is open to every employee to talk at any time about any topic. The Commission can improve, address complaints and foster employee understanding of the rationale for practices, processes and decisions and significantly alleviate the need for using a formal grievance procedure through regular and open communication.

While the formal organization of positions is necessary to direct the work of the agency, the executive director encourages informal open-door communication to facilitate a work environment satisfactory to all employees. Where professional or personal problems affect a staff member's ability to function optimally, staff is encouraged to first discuss the problem with their immediate supervisor as many issues can and should be solved at this level.

Should a staff member have an issue with their direct supervisor, they may discuss your issues or concerns with the next level of management and/or [a designated](#)

Human Resources officer. The executive director will also be available, when appropriate, to hear the concerns of any employee and respond accordingly.

**Commented [MH12]:** Updated to reflect current staffing (no specific HR Director position) with Director of Finance filling this designate role

In all cases, employees should expect treatment of any concerns with appropriate discretion. However, total confidentiality may not be possible in all situations and the implications of such should and will be addressed in a fair and protective manner to the concerned employee.

Employees should expect to find managers at all levels of the Commission willing to listen and to help bring about a solution or a clarification. Employees are expected to escalate matters of concern and/or real or perceived violations of the Commission's policies and procedures immediately. No employee will ever be subject to retaliation of any kind for reporting a concern or complaint.

### **3.12. Whistleblower Protection Policy**

The Commission requires employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. All employees are expected to practice honesty and integrity in fulfilling our responsibilities and comply with all applicable laws and regulations.

#### **3.12.1 Reporting Responsibility**

This Policy is intended to encourage and enable employees and others to raise serious concerns internally so that the Commission can address and correct inappropriate conduct and actions. It is the responsibility of all employees to report concerns about violations of the Commission's code of ethics or suspected violations of law or regulations that govern the Commission's operations.

#### **3.12.2 No Retaliation**

It is contrary to the values of the Commission for anyone to retaliate against any employee who in good faith reports an ethics violation, or a suspected violation of law, such as a complaint of discrimination, harassment or suspected fraud, or suspected violation of any regulation governing the operations of the Commission. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment.

**Commented [MH13]:** added on advice from VRSA

#### **3.12.3 Reporting Procedure**

The Commission has an open-door policy and suggests that employees share their questions, concerns, suggestions or complaints with their supervisor. If you are not comfortable speaking with your supervisor or you are not satisfied with your supervisor's response, you are encouraged to speak with the executive director. If you are uncomfortable with communicating with either your supervisor or the executive director, you may contact the Chair of the Commission to discuss your concerns.

Supervisors are required to report complaints or concerns about suspected ethical and legal violations in writing to the executive director who has the responsibility to investigate all reported complaints.

Commented [MH14]: updated to reflect current staffing

### 3.12.4 Confidentiality

Violations or suspected violations may be submitted on a confidential basis by the complainant. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

### 3.13. Solicitation

Solicitation by employees during work hours is permissible where it does not interfere with the safe and efficient operation of the agency.

## 4. Employment Conditions and Benefits

### 4.1. Work Schedules

~~The office is open to the public from 8:00 a.m. to 4:30 p.m., Monday through Friday. The Commission office is open to the public Monday through Friday with the following exceptions:~~

- ~~- during officially designated state holidays;~~
- ~~- from time to time at the discretion of the executive director; and~~
- ~~- for extenuating circumstances such as local or state directives, inclement weather, onsite system malfunctions and/or to protect the facility due to low coverage of personnel.~~

~~Employees are expected to maintain a regular schedule during a traditional work week, Monday through Friday and be accessible during core hours. While the standard work day is 8 hours, employees are provided flexibility in setting a work schedule that meets performance expectations and personnel commitments. Employees may enjoy a flexible schedule provided it is arranged in advance and does not interfere with regular communication with colleagues, performance of duty and compliance with deadlines.~~

~~On occasion, employees may be asked to work different hours to facilitate completion of particular assignments or to meet certain meeting or event attendance requirements, deadlines or project deliverables.~~

Commented [MH15]: updated to reflect current model, potential future remote work and to increase flexibility

#### 4.1.1 Flexible Hours

~~Standard w/Daily work schedules may vary with an selected work alternative work schedule in effect on a monthly basis for a mutually agreed period. Other~~

Temporary or occasional flexibility ~~le or adjustment to a regular work~~ schedules ~~may~~ include some combination of altered work start and stop times to allow employees to have family medical appointments or take care of personal business during business hours to avoid the need to use earned leave.

Commented [MH16]: Updated to increase clarity

#### 4.1.2 Flexible Days

Flexible day schedules permit an employee to establish a regular schedule that reduces the ~~total~~ number of days worked in a pay period while maintaining the expected total number of ~~work or leave~~ hours within the same pay period. Employees ~~may~~ choose the number of hours worked per day to accommodate up to one day per ~~work~~ week to be taken as part of scheduled compensatory ~~or flexible~~ leave within the same pay period. ~~These~~ "flex days" may be taken ~~any~~ ~~during the pay period provided the employee can account for the total expected hours for the pay period through worked time or paid time off.~~

~~Any employee who has completed their introductory period is eligible to request approval for a flexible workday schedule. Formal or ongoing (flexible schedules expected to last more than one month) flexible day work schedules must be approved by the employee's supervisor. Each request will be evaluated individually based on the nature of the position and the employee's ability to manage deadlines and maintain appropriate communication with team members and external stakeholders. be evaluated based on anticipated deadlines and responsibilities for the period, work plan assignments and impacts on other staff members and the agency's Flex day options should be considered positive reinforcement for performance and ability to manage time effectively.~~

With approval by the executive director, supervisors may identify specific positions ~~which are~~ ineligible to participate in the flexible ~~workday~~ schedule. These exclusions must be made on the basis of specific responsibilities of the position that result in diminished agency productivity or reliability of other employees in that position.

~~Regardless of an employee's flexible workday schedule, they are expected to anticipate conflicts and line up coverage in the event a meeting, deadline or other conflict occurs with a day scheduled for flex time.~~

Commented [MH17]: Updated to address inconsistencies with project billing and carryover of flex times an pay periods. Attempting to streamline what has proven to be a challenging benefit to manage

#### 4.1.3 Remote Work

~~Telework schedules may also be considered in certain circumstances and are subject to review and consideration by the executive director, immediate~~

~~PlanRVA relies on collaboration and active communication among employees to assure productivity and efficiency. At the same time, we strive to provide flexibility for all staff members as part of our larger recruitment and retention~~

strategy. We recognize that individual and community circumstances may occur where remote work is a viable alternative to on site work.

Working from home is a privilege, not a right; it is neither an entitlement nor agency-wide benefit, and it does not change the terms and conditions of employment. This policy and individual eligibility to work remotely are subject to review, change, and termination at any time

In order to support the practice of remote work when circumstances merit, the following guidelines apply.

**(a) Eligibility**

In general, employees are eligible to request authorization for remote work at successful completion of their introductory period.

Employees whose position is conducive to a productive remote work alternative are eligible to request to work from home through their supervisor if a need arises. Requests will be considered by the Supervisor for approval for employees who are in good standing and are meeting performance expectations. Requests will also be evaluated based on current workload and practicality of communication and coordination among team members.

Employees must be able to participate as they would in all meetings and fulfill other expectations of employees who are working on site to the extent reasonable. This includes participation (in person or virtually) in staff and other convened and hosted meetings and fulfillment of deadlines and other project milestones. Remote work should not inhibit the employee's ability to perform duties as assigned.

Not all positions and situations are conducive to this, so it is not available to all employees in regular circumstances. In instances where the responsibilities cannot be fulfilled via remote work and that is the only viable option, the employee and Supervisor will work with the Executive Director to modify responsibilities for the period of remote work.

Requests to remote work may be submitted as an adjustment to a regular work schedule (for up to one quarter at a time) or as a temporary modification.

Remote work arrangements and the positions that are eligible will vary depending on the agency's specific needs at the time of request, the individual's circumstances and the organization's ability to support remote work.

## **(b) Guidelines**

If extenuating circumstances arise, employees may request to work from home by contacting their immediate supervisor as soon as possible, but no later than the beginning of the normally scheduled workday. Employees should communicate the specific work plans for the remote work time period, including anticipated work tasks and/or availability to communicate with team members.

Supervisors have the discretion to approve or not approve requests but are required to consult with the Executive Director upon making a decision. If the request is not approved, employees are expected to report to work as scheduled or may request to use your sick/personal or vacation leave.

Remote work is not intended to cover tardiness, be used in lieu of sick/personal leave, or to replace appropriate child/dependent care.

Employees must be able to perform the functions of their position with privacy and limited interruption, as if working in the office.

Employees are expected to follow all policies and meet all performance expectations and agency goals, objectives and demands.

Employees must be accessible via phone and email during the agreed-upon core work hours, unless the supervisor has agreed to an alternative. Calendars should remain up to date and indicate when unavailable for communication with team members.

All employees are expected to set up their virtual or "soft" phone and sign on to Microsoft Teams to provide additional means for accessibility during remote work.

Employees may not engage in work related to other jobs or to run a business or any other outside activities such as church, community organization or club activities during working hours while working remotely.

**Commented [MH18]:** Added to address current and potential future remote work.

## **4.2. Leave and Holidays**

### **4.2.1 Annual and Sick Leave**

All regular full-time employees earn leave benefits from the initial date of employment. If employment is terminated prior to completion of the introductory period, no compensation for unused accrued leave is granted.

For any partial pay periods of employment, leave will be prorated by the number of business days, including holidays, employed relative to the total number of business days, including holidays, in the pay period.

Leave must be earned before or within the pay period it is used (including flexible time, compensatory, annual and sick leave) unless prior approval is granted, and employees should request leave approval in advance when possible. The minimum leave request will be one-half hour and shall be in increments of one-half hour thereafter. Leave is authorized by approval of the executive director and/or designee.

**Commented [MH19]:** Attempting to be more clear; promote flexibility while encouraging staff to focus on productivity

#### **(a) Annual Leave**

All full-time employees are eligible for one day (8 hours) of flexible leave available at the beginning of each calendar year in addition to annual leave which is earned according to length of service as outlined below:

Less than 5 years of service: 4 hours per pay period for each complete pay period employed through the first five years, or a total of 12 days per annum;

5, but less than 10 years of service: 5 hours per pay period for each complete pay period employed beginning on the first day of the pay period following the 5th anniversary, or a total of 15 days per annum;

10 but less than 15 years of service: 6 hours per pay period for each complete pay period employed beginning on the first day of the pay period following the 10th anniversary, or a total of 18 days per annum.

15, but less than 20 years of service: 7 hours per pay period for each complete pay period employed beginning on the first day of the pay period following the 15th anniversary, or a total of 21 days per annum;

20, but less than 25 years of service: 8 hours per pay period for each complete pay period employed beginning on the first day of the pay period following the 20th anniversary, or a total of 24 days per annum;

25 or more years of service: 9 hours per pay period for each complete pay period employed beginning on the first day of the pay period following the 25th anniversary, or a total of 27 days per annum.

For any partial pay periods of employment, leave will be prorated by the number of business days, including holidays, employed relative to the total number of business days, including holidays, in the pay period.

An employee is not required to use the annual leave earned each calendar year, but no more than twice the amount of leave earned each year may be carried into any new calendar year or be compensated for upon separation from the



Commission. Unused annual leave will be paid for on a one to one basis upon separation from the Commission by resignation or retirement.

**(b) Sick Leave**

Sick leave is earned at the rate of 5 hours for each pay period employed, or 15 days per year. There is no limit on the amount of sick leave an employee may accumulate. For any partial pay periods of employment, leave will be prorated by the number of business days, including holidays, employed relative to the total number of business days, including holidays, in the pay period.

Sick leave may be used for employee or immediate family member illness, personal medical appointments or instances where transport of an immediate family member is necessary.

As defined herein in accordance with the Pregnancy Discrimination Act, Public Law 95-555, pregnancy, childbirth, and related medical conditions will be treated on the same basis as any other medical disability.

Pay for unused accumulated sick leave will be made only at separation due to retirement. A lump-sum payment will be at the ratio of one day for three days up to a maximum reimbursement of \$5,000.00.

**(c) Leave Donation Program**

Employees may elect to donate leave to a leave pool to provide other employees access to leave in certain instances of health related or other extenuating circumstances. An employee's donation of leave results in forfeiture of that leave for the donating employee. The equivalent value of the donated leave is determined and available for another employee to use based on that position's rate of pay. Donated leave hours do not correspond hour to hour but rather by dollar value

The Leave Donation Program is designed to assist employees who do not have sufficient leave time to address their own or immediate family members' illness or injury or other unexpected cause for absence from work.

All regular, full-time employees are eligible to participate in the Leave Donation program following successful completion of the introductory period. In order to participate, employees must have donated a minimum of 4 hours earned and unused leave to Program. Leave should be donated in one-hour increments and will be converted to a monetary value at the time of donation based on the donor's rate of pay. The same conversion will be made at award to the recipient's rate of pay. It is important that all employees understand donations and awards are not made at a 1:1 ratio of hours, but rather on the value of the donation given and awarded.

Employees who wish to access the leave donation pool must themselves or their immediate family member have an illness or injury that would require the employee to be continuously absent from work for a period in excess of their available leave

balance and with limited likelihood of earning sufficient leave to cover the absence within the calendar year. Other extenuating circumstances may be considered. In all cases, leave without pay to address the absence would impose a significant hardship on the employee.

The Director of Finance is responsible for the administration of this Program to include record keeping and processing of requests; employees in need of assistance should submit a request for donated leave to Director of Finance prior to exhaustion of leave balances. A supervisor may also initiate the request on behalf of the employee.

An eligible employee must use all available earned/accrued leave prior to accessing donated leave. Leave donations will be offset by short/long term disability (if applicable) prior to, or in conjunction with award of donation from the Program.

Employees are not required to pay back leave donations but there is a limit to the amount that may be awarded. No employee may receive more than three months of donated leave in a 12-month timeframe.

Information regarding all leave donations and awards will be kept confidential, voluntary and non-refundable.

**Commented [MH20]:** updated to describe how the program will be administered.

#### **4.2.2 Family and Medical Leave**

The Commission extends eligibility to employees under the federal Family and Medical Leave Act of 1993 (FMLA), which entitles eligible employees to take up to 12 weeks of paid or unpaid job-protected leave in a 12-month period commencing with the employee's initial request for leave under the FMLA.

The FMLA contains provisions on employer coverage; employee eligibility for benefits; entitlement to leave; maintenance of health benefits during leave; job restoration after leave; notice and certification of the need for leave under the FMLA; and protection for employees who request to take such leave.

An employee who has been employed by the agency for 12 months or more and has actually worked at least 1,250 hours in that 12-month period commencing with the employee's employment anniversary date may be eligible under the FMLA for up to 12 workweeks of paid or unpaid family and medical leave in the following cases:

- to care for any family member (as defined in the FMLA) who has a serious health condition and is incapable of care;
- for a serious health condition which makes the employee unable to perform the employee's job;
- for the birth, adoption or placement for foster care of a son or daughter of the employee and to care for such child. The leave must be taken during the 12-

month period following the birth or placement. If both affected parents work for the Commission, they are entitled to a total of 12 weeks leave combined;

- for a “qualifying exigency” arising out of the fact that an employee’s spouse, parent, son or daughter is on covered active duty or has been called to active duty in the Armed Forces; or
- for military caregiver leave (also known as covered service member leave) to care for an ill or injured service member. Eligible employees are entitled to a total of 26 weeks of unpaid “military caregiver leave during a single 12-month period to care for a family member (as defined in the FMLA) who is a member of the armed forces that is undergoing medical treatment or recovery.

Once the allowable leave under FMLA is exhausted within the 12-month period commencing with the employee’s start of FMLA related leave, FMLA coverage ends for that 12-month period.

Under some circumstances, employees may be protected under FMLA intermittently which means taking leave in blocks of time, or by reducing their normal weekly or daily work schedule. If FMLA is used for birth and care or placement for adoption or foster care, use of intermittent leave is subject to the employer’s approval. Leave associated with FMLA may be taken intermittently whenever medically necessary to care for a seriously ill family member as defined in the FMLA, or because the employee is seriously ill and unable to work.

In the case of illness, a certification from the attending physician or other health care provider will be required. Leave associated with FMLA should be requested 30 days in advance unless there is a medical emergency, or as soon as practical, and the employee must be certified by the executive director as eligible for FMLA. Employees may use any accumulated sick and/or annual leave, when appropriate, before going into a leave without pay status.

Employees may also be required to provide:

- second or third medical opinions (at the employer’s expense) and periodic re-certification; and
- periodic reports during FMLA leave regarding the employee’s status and intent to return to work.

When intermittent leave is needed to care for a family member as defined in the FMLA or the employee’s own serious illness, and is for planned medical treatment, the employee must try to schedule treatment so as not to unduly disrupt the operation of the agency.

When on unpaid leave under the Family and Medical Leave Act, the employee’s health care coverage may continue. The employee is to pay his share of the health care premium to the agency. If the employee fails to return to work, unless it is for a medical disability, the employee is to reimburse the agency for its portion of the

premium paid. All other benefits will be treated the same as an employee who is in leave without pay status.

#### 4.2.3 Administrative Leave

The executive director may authorize leave for other purposes – such as bereavement, inclement weather, and personal wellness. Such Administrative Leave will be evaluated on an individual basis and determined to be authorized either with or without pay depending on the circumstances presented.

#### 4.2.4 Civil Leave

An employee shall be granted civil leave with full pay for any absence necessary for serving on a jury or being summoned or subpoenaed to appear in any court of law or equity except if the employee is a defendant in such proceedings, or for taking required tests for fitness including required physical exams, recruitment interviews, tests for agency-required certification, and tests associated with promotions, demotions, or transfers within the agency. The employee is required to give reasonable notice of anticipated leave. [Employees are not required to use Annual Leave for civil leave.](#)

**Commented [MH21]:** Added on advice from VRSA

#### 4.2.5 Crime Victim Leave

An employee who is a victim of a crime shall be granted leave to be present at all criminal proceedings relating to a crime against the employee, as long as the employee has provided a copy of the form provided to the employee by the law-enforcement agency and, if applicable, provided a copy of the notice of each scheduled criminal proceeding that is provided to the employee as victim. However, the supervisor may limit the employee's leave if such leave creates an undue hardship to the Commission.

**Commented [MH22]:** Need to determine if this is required or can be included as eligible leave within PTO

#### 4.2.6 Military Duty Leave

Two kinds of military leave may be granted to employees who serve in the Armed Force. Periods of leave in excess of 15 working days will be considered service leave; periods of one to 15 working days are considered training leave.

Training leave must be requested from and approved by the executive director, upon presentation of the employee's military orders. It may be authorized for all regular full-time employees, without loss of pay, but it cannot exceed 15 business days per federal fiscal year or training period. Use of this leave is not charged against other types of accrued leave.

Service Leave is available to regular full-time employees of the Commission receiving orders to report for military service. The employee should request military leave from the executive director. The employee's name will be removed from active personnel files and placed in a Military Leave File. A certification of accrued benefits and a letter of reinstatement will be issued to the employee upon granting of military leave. No further benefits will accrue. However, if the

employee's salary exceeds the military pay, the Commission will pay to the employee the difference between the two, contingent on certification by the employee of his military pay.

Upon discharge from military service, the employee has 90 days in which to apply to the Commission for reinstatement of employment. In the event the Commission has undergone a general reduction in workforce during the period of an employee's military service, the Commission layoff policy then in effect will apply.

Employees called to active duty are not eligible to continue their health insurance through the agency since health care is provided for them through the federal government. The employee's dependents that are enrolled under the employer's plan at the time of leave are eligible to enroll under COBRA for a period determined by COBRA.

#### 4.2.7 Holidays

The office will be closed on those days designated by the Governor of Virginia as holidays of the Commonwealth. Employees may choose to work on a designated holiday, earning compensatory time that may be taken after the worked holiday and by the end of the fiscal year. As this is an election by the employee, compensatory time will be accrued on a 1:1 ratio for hours worked to hours earned as compensatory leave. Regular full-time employees of the Commission will receive holiday leave with pay on these days unless they choose to work. ~~supervisor, an FLSA-Exempt employee may be authorized to work on a designated holiday in exchange for an equivalent leave period following the accrual of the actual holiday. All requests will be evaluated on an individual basis and will be approved only with agreement between both the employee and the supervisor of the work tasks to be completed and the scheduled date for the deferred holiday leave. Holiday leave time worked under this scenario will be considered~~

**Commented [MH23]:** I'm trying to balance designated staff holidays with greater equity/inclusion and flexibility. we can allow staff to work on holidays and trade for other days to take holiday leave.

#### 4.3. Safety

The Commission is committed to the safety of all employees and visitors to and within the office space. Specific guidance regarding office safety practices and protocols are provided on an ongoing basis to staff members. All employees are expected to comply with safety guidance and play an active role in promoting safety in the workplace for themselves and others.

**Commented [MH24]:** section added on advice from VRSA; more to come here with designation of Ken Lantz as safety officer.

## 5. Professional Development

### 5.1. Values and Commitment

The Commission values professional development and is committed to investment in employee career advancement that supports the mission of the Commission.

The agency seeks to provide professional development opportunities for staff members through a variety of incentives including tuition reimbursement, funding for professional memberships, and attendance at conferences, seminars, and workshops. Development opportunities will be evaluated based on relevance to the agency's mission and work program and the employee's developmental goals. All requests will be considered based on available funding through the budget process.

### 5.2. Travel for Professional Development

All travel to seminars, conferences, training or similar events outside the planning district must be approved in advance by the executive director or as delegated to the respective supervisor.

Support in planning for travel requiring public transportation – such as by air, train, or bus – and/or lodging is available at the direction of the executive director.

Provided prior authorization was granted, and all necessary documentation is provided, employees will be eligible for reimbursement of all appropriate travel related expenses incurred to attend a meeting, conference or other engagement in support of the agency's mission or work program. Certain limits on expenditures may be imposed depending on the funding used to support the specific activity. It is incumbent upon the employee to understand and coordinate with the supervisor regarding any specific requirements of the travel and funding source prior to committing agency funds.

**Commented [MH25]:** We wanted to get away from this practice; now that supervisors and above have purchasing cards, we shouldn't have a need for advances.

## 6. Compensation

### 6.1. Payroll

Employees will be paid on the 15th and last day of each month; when those dates occur on a Saturday, Sunday, or Holiday, employees will be paid on the immediately preceding business day. Payroll is processed in advance of the actual pay day, so employees will be paid based on hours worked in the previous pay period.

### 6.2. Payroll Deductions

Standard payroll deductions are made each pay period from the pay for each employee and are paid into the proper benefit account for the employee. Additional payroll deductions will also be made for those employees who are covered by benefits

requiring such deduction or through election of additional benefits or programs offered by the Commission or as required by law.

The Commission may, from time to time, administer additional deductions or garnishments at the direction of the employee or entitled entity. Documentation of such deductions or garnishments will be maintained and available to the employee for review.

**Commented [MH26]:** Added on advice from VRSA

### **6.3. Pay at Separation**

When an employee separates from service, the final paycheck will be written on the next regular payday. Appropriate payment of any leave balances will be calculated, and that disbursement will be made on or before the second payday after separation. Any outstanding financial obligations to the Commission will be deducted from the leave balance payment which may be withheld pending return of agency equipment as requested.

**Commented [MH27]:** Updated to reflect current practice of electronic payments

When an employee separates from Commission service, the effective date must be the last day that such employee is on the job. It is not permissible to delay the effective date of separation by any amount of accumulated PTO or compensatory leave due the separating employee.

If an employee is on approved sick leave, worker's compensation leave, or leave without pay when separated, the effective date of separation will be the actual date of separation as given by the employee and approved by the executive director and not the last day on the job.  
a holiday, the employee shall not be paid for the holiday since he or she is no longer

### **6.4. Overtime and Compensatory Leave**

Any time worked in excess of 40 hours per week is considered overtime for FLSA Non-Exempt employees. Overtime pay as defined herein shall be to all part time Non-Exempt employees at a rate of one and one-half times the eligible employee's normal hourly base rate of pay. Overtime incurred by full time Non-Exempt employees will be compensated with leave awarded at a rate of one and one-half times. In general, FLSA Non-Exempt employees to earn this overtime or compensatory leave should plan to take the leave within the same or next pay period.

**Commented [MH28]:** We don't have any FLSA Non-Exempt Full Time employees at this time, but this is an important piece to remember if we ever do.

Overtime must have prior approval from the employee's supervisor

Employees in FLSA Exempt positions are generally ineligible to earn compensatory leave. FLSA Exempt employees are expected to manage their time effectively to achieve work expectations. In instances where an employee anticipates an excess of hours work over the 40-hour work week standard, they should make plans to balance their time to the total expected work or leave hours within the pay period.

Special circumstances may occur when an FLSA employee may be approved to accrue compensatory leave; such approval shall be granted by the Executive Director

and coordinated with the Director of Finance. leave on an hour-for-hour basis for work authorized in advance by the executive director or designee. A maximum of 80 hours of compensatory leave may be accrued but must be used during the calendar year. Compensatory leave earned during a pay period and not used by the end of the calendar year will be forfeited. Employees with any compensatory leave balance at the time of separation will not receive compensation for that leave balance.

**Commented [MH29]:** Revised to be more clear, working toward greater focus on productivity than time management

## 6.5. Pay Increases and Special Compensation

Pay increases may be awarded to personnel who are full-time or part-time non-temporary employees in accordance with the agency's compensation plan and annual budget.

Merit increases are intended to stimulate a continuing high degree of technical and professional performance from all personnel. The merit increase is not automatic. The merit increase is awarded to eligible employees based on several factors, including the recommendation of appropriate supervisor supported by the performance evaluation process.

An exceptional service increase recognizes an employee's performance above and beyond the normally expected level of service. It is awarded at the discretion of the executive director and may be provided in the form of a onetime award.

General wage adjustments may be made for cost of living or other factors and applied equitably by percentage increase to all employees.

The Commission recognizes the value and significance of continued employment in public service. Employees will be recognized for employment milestones and will be eligible to receive one of the following:

a meal reimbursement of equal or lesser value to the milestone award amount.

- a tax adjusted one time increase in pay equivalent to the award amount (the total amount paid to the employee including taxes must not exceed the award amount); or
- a gift card equivalent to the tax adjusted award amount (the gift card must be recorded at year end as additional compensation and will be calculated to equal the tax adjusted amount of the award).

**Commented [MH30]:** Updated to include authority granted by Exec Comm in FY19; schedule of reimbursement to milestones spelled out in our procedures document; subject to annual budget

## 6.6. Benefits

### 6.6.1 For Current Employees

To recruit and retain highly qualified employees, the Commission supports providing a comprehensive package of fringe benefits that balances cost considerations with developing market opportunities of investment, savings, and insurance benefits. A benefits package for all regular full-time employees may



include options for retirement, medical insurance, deferred compensation, life insurance, wellness, and related programs. Detailed information on these benefits is provided each year through Open Enrollment.

### 6.6.2 For Retirees

Any regular full-time employee who voluntarily retires directly from the agency in good standing, has been employed by the agency for at least ten years and is vested in one of the agency's retirement plans is eligible to participate in agency-sponsored medical plans until becoming eligible for Medicare provided they begin to collect a retirement benefit directly following employment with the agency. Participation in the agency's health insurance is at the retiree's expense.

## 7. Disciplinary Action

The Commission retains a right to take disciplinary action against any employee for violation of the provisions of the policies included herein or other activity that is detrimental to the community, the success of the organization or others in it. Any action by an employee which negatively reflects on or discredits the Commission or is a direct hindrance to effective performance of any employee or the Commission, may result in disciplinary action.

The Commission follows a progressive discipline policy which begins with professional coaching by providing clear and open communication about performance deficiencies and promotes the opportunity to correct the situation prior to formal disciplinary action. Egregious or repetitive deficiencies in performance may result in the disciplinary actions below and escalating as each situation merits, and severe instances may result in immediate termination:

- Written Reprimand: Written reprimands for an act(s) resulting in a performance deficiency or violation of the policies described herein must be presented to the employee, and a copy transmitted to the executive secretary for placement in the employee's personnel folder.
- Suspension: An employee may be suspended, with or without pay, for up to 10 business days for continued performance deficiencies or chronic violation of the policies described herein. Such action is taken by the executive director, in consultation with the employee's supervisor, is documented, and is placed in the employee's personnel file.

If it is necessary to suspend, without pay, an employee for a second time in a three-month period, that suspension shall be for not less than 10 or more than 20 business days.

For all suspensions, a written notice, including cause, must be transmitted to the employee within one day of the suspension. Suspensions of more than eight hours will result in loss of the accumulation of sick leave and annual leave for that pay period. Suspension may include temporary removal of access to the office,

**Commented [MH31]:** Revised on advice from VRSA- avoid using "just cause"

computers, files, and other Commission property depending on the cause for the action.

- Demotion: An employee may be demoted by the executive director, in consultation with the employee's supervisor

Discharge: An employee may be discharged by the executive director, after consultation with the employee's supervisor. The type of disciplinary action that may be imposed may vary depending on the facts and circumstances surrounding each case. Nothing in this policy creates an obligation to follow any particular disciplinary procedure.

### **7.1. Grievances**

A grievance is a complaint or dispute by an employee or a group of employees relating to their employment with the Commission, including but not necessarily limited to: the proper application, meaning or interpretation of Commission personnel policies, procedures, or rules and regulations, as they affect each employee; a claim by an employee that unjust supervisory conduct caused the employee to be terminated, be disciplined, or lose a benefit; or a claim that acts of reprisal were taken as the result of utilization of the grievance procedure. The Commission desires to resolve employee grievances promptly and fairly. All employees who feel they have been treated unfairly because of race, color, religion, sex, age, gender, gender identity/expression, sexual orientation, national origin, political affiliation, pregnancy, childbirth or related medical conditions, marital status, disability or status as a veteran sex, national origin, political affiliation, disability, citizenship status, genetic, have the right to submit such grievance for orderly settlement.

All problems, complaints, or disputes should be settled with the supervisor. If necessary, there should be no reluctance to carry grievances to the highest level of management.

The Commission provides a process consistent with the Code of Virginia (see § 15.2-1506. Establishment of grievance procedure, personnel system and uniform pay plan for employees) for non-introductory, eligible employees to file a grievance regarding disciplinary or other action imposed by the Commission. Procedures outlined in VA Code will be followed in response to any complaint which is filed.

An outline of the procedure, in accordance with the Code of Virginia is available online.

Should the grievance be determined to be grievable and escalate to the level beyond the executive director, a review panel will be selected to oversee the process going forward. The grievance panel shall consist of three members: one member appointed by the grievant who shall be an employee of the Agency, one member appointed by the Agency and the third panel member selected by the other two panel members. Within five (5) workdays, the two panel members shall select the third panel member;

which shall be an employee of the Agency. The third person shall be the chairperson of the panel. The Panel shall afford full and equal opportunity to all parties and witnesses for presentation of facts, evidence, and other relevant material. The Panel will determine the relevance and materiality of any evidence offered and the majority decision of the Panel shall be final in all its determinations.

The Panel's decision shall be presented in writing and distributed to all parties within 15 business days of the close of the hearing. The Panel's decision shall be final and binding.

A hearing may be re-opened on the motion of the Panel, or upon written application of any party to the Chairman of the panel, for good cause, prior to the time the Panel's decision is written and distributed.

## **8. Separation**

### **8.1. Voluntary Separations and Retirement**

All employees who voluntarily terminate their employment with the Commission should notify the executive director at least two weeks in advance of the effective resignation date; employees in a managerial role should provide at least one month's notice. A written memo must be provided to the executive director, with a copy to the employee's division director or supervisor, stating the effective resignation date and forwarding address for all correspondence.

### **8.2. Dismissals**

Notwithstanding criminal acts, an employee may be dismissed by the executive director, after consultation with the employee's supervisor. An employee may be suspended with or without pay pending dismissal, in which case the suspension will not be governed by the limitations stated under suspension but the procedure and notification therein shall be followed.

### **8.3. Reductions in Force**

If circumstances require, the Commission may reduce the workforce for any reason necessary. The executive director has the right and obligation to manage personnel in the best interest of the Commission and may implement a reduction in workforce, if necessary.

Subject to availability of funds, all employees laid off will be provided with a minimum pay equivalent to a regular payroll.

Any employee who may be pursuing another administrative procedure (i.e., grievance, EEO complaint, or disciplinary action) is still covered under this procedure. If such an employee is laid off, they will be entitled to continue to pursue the other administrative procedure if they so choose.

**Commented [MH32]:** Updated to reflect our payroll schedule

#### **8.4. Return of Property**

Upon resignation or termination of employment, any work-issued items must be returned to the Commission. [Failure to return Commission property may result in a delay in processing final leave payments or other benefits to extent permissible by law.](#)

### **9. Employee Records**

#### **9.1. Personnel Records**

All employee personnel records are maintained under the supervision of the executive director. An employee has the right to review their own file for any reason. All files will be reviewed in the office and at the convenience of the executive director or designee. No files will leave the designated file areas, except to be reviewed by the executive director or the Grievance Review Panel, if a formal grievance is submitted. Employee records will contain the completed application form, personal reference letters, position descriptions, employee evaluation records, updated salary information, and other official personnel information.

Supervisors may review files on any employees under their supervision; should they wish to review files on employees who desire transfer to their division, they may review only the application and related material pertaining to that position.

#### **9.2. Personal Information**

It is the responsibility of the employee to see that the Commission is notified in writing of any changes in their personal information – such as name, mailing address, telephone number, marital status, disability status, residency, and name of person to contact in case of emergency. If such corrections have not been initiated in writing by the employee and sent to the [Director of Finance or their designee](#), any problems occasioned by the Commission's use of out-of-date information are the responsibility of the employee.

Commented [MH33]: updated based on current staffing

#### **9.3. Confidentiality**

All personnel information, including that relating to applicants, is confidential unless otherwise authorized by the individual. All requests for verification of employment and requests for references for current or past employees will be handled by the executive director or designee and will be limited to a confirmation of employment and relative dates unless the employee otherwise authorizes.

Supervisors are not to provide information regarding employees or former employees to other individuals, businesses, or other agencies. Exceptions to this may be approved on a case-by-case basis only by the executive director.

# ACKNOWLEDGMENT OF RECEIPT OF PERSONNEL POLICY

The personnel policy has been created to acquaint you with the Commission's policies. Please understand that this handbook only highlights the Commission's policies for your personal education and therefore cannot be construed as a legal document. THIS POLICY DOCUMENT IS NOT A CONTRACT OF EMPLOYMENT.

I have received a copy of the personnel policy document on the date listed below and I understand that it is my responsibility to read and comply with the policies contained in it and any revisions made to it.

Employee Name (printed): \_\_\_\_\_

Employee Signature: \_\_\_\_\_

Date: \_\_\_\_\_