

# **Personnel Policies And Procedures Manual**



**April 2021**

**Virginia Peninsulas Public Service Authority**

**475 McLaws Circle, Suite 3B  
Williamsburg, VA 23185**

**Virginia Peninsulas Public Service Authority**  
**Personnel Policies and Procedures Manual**  
**April 2021**

<b>Table of Contents</b>			
Section No.	-	Section Title	Page No.
<b>1</b>	-	<b>Introduction</b>	<b>1</b>
<b>2.0</b>	-	<b>Employment</b>	<b>2</b>
2.1	-	Equal Opportunity	2
2.1.1	-	Policy Statement	2
2.2	-	Accommodating Individuals with Disabilities	2
2.3	-	No-Harassment/No-Discrimination Policy	3
2.4	-	Retaliation	4
2.5	-	Employment Classification	5
2.5.1	-	Categories of Full-Time Position	5
2.6	-	Employment Process	6
2.6.1	-	Internal Recruitment	6
2.6.2	-	External Recruitment	6
2.6.3	-	Receipt of Applications	6
2.6.4	-	Direct Appointment and Reorganization by Executive Director	7
2.7	-	Employee Appointments	7
2.8	-	Employment of Relatives	7
2.9	-	Pre-employment Examinations and Background Checks	8
2.10	-	Immigration Law Compliance	8
2.11	-	Probationary Period	9
2.12	-	Outside Employment	9
2.13	-	Personnel Files	10
<b>3.0</b>	-	<b>Pay Administration</b>	<b>11</b>
3.1	-	Salary Ranges	11
3.2	-	Appointment Rate	11
3.2.1	-	Market Adjustments	11
3.3	-	Overtime Pay	12
3.3.1	-	Eligibility	12
3.3.2	-	Overtime Hours Defined	12
3.3.3	-	Compensatory Time	12
3.3.4	-	Exempt Employees	13

3.4	- Performance Appraisals	13
3.5	- Salary Adjustments	14
3.6	- Promotion and Transfer	14
3.6.1	- Promotion	14
3.6.2	- Transfer/Demotion	15
3.7	- Temporary Work in Higher Position	15
3.8	- Exceptional Performance Bonus	15
3.9	- Reimbursements	16
<b>4.0</b>	<b>- Employment Benefits Programs</b>	<b>17</b>
4.1	- Retirement, Disability, and Life Insurance	17
4.2	- Social Security	17
4.3	- Health Insurance	17
4.4	- Worker's Compensation	18
4.4.1	- Reporting	18
4.4.2	- Medical Treatment	18
4.4.3	- Incapacity from Work	18
4.4.4	- Use of Leave Pending Determination of Compensability	19
4.4.5	- Return to Work	19
4.5	- Deferred Compensation	20
4.6	- Cafeteria Plan	20
4.7	- Uniforms	20
4.8	- Tuition Reimbursement Program	20-21
<b>5.0</b>	<b>- Employee Leave Benefits</b>	<b>22</b>
5.1	- Holidays	22
5.2	- Annual Leave	23
5.3	- Sick Leave	24
5.3.1	- Accumulation of Sick Leave	24
5.4	- Personal Leave	24
5.5	- Administrative Leave	25
5.6	- Bereavement Leave	25
5.7	- Short Term Disability	25
5.7.1	- Work Related Disabilities	26
5.8	- Family and Medical Leave	27
5.9	- Jury Duty	28
5.10	- Witness Duty	28

5.11	- Military Leave	29
5.12	- Leave Without Pay	29-30
<b>6.0</b>	<b>- Work Rules and Policies</b>	<b>31</b>
6.1	- Work Hours	31
6.2	- Safety	31
6.2.1	- COVID-19 and Infectious Disease Prevention Plan	31
6.3	- Smoking Policy	32
6.4	- Open Door Policy	32
6.5	- Punctuality and Attendance	32
6.6	- Political Activity	33
6.7	- Emergency Closings	33
6.8	- Drug Free Workplace	34
6.8.1	- Policy	34
6.8.2	- Drug and Alcohol Testing	35
6.8.3	- Guidelines for Reasonable Suspicion Testing	36
6.8.4	- Test Procedures	37
6.8.5	- Responses to Positive Test Results	38
6.9	- Sexual and Other Unlawful Harassment	39
<b>7.0</b>	<b>- Standards of Conduct</b>	<b>40</b>
7.1	- Guidelines for Conduct	40
7.2	- Corrective Action Procedures	41
7.2.1	- Types of Offenses and Corrective Action	42-44
7.3	- Suspension Provisions	45
7.4	- Responsibilities	46
7.5	- Cyber Security	46-47
<b>8.0</b>	<b>- Employment Separation</b>	<b>48-49</b>

## **1.0 Introduction.**

The Virginia Peninsulas Public Service Authority (VPPSA) was established in 1989 under the Virginia Water and Sewer Authorities Act and provides solid waste management and recycling services for the cities of Hampton, Williamsburg, and Poquoson and the counties of Essex, James City, King & Queen, King William, Mathews, Middlesex, and York. Some services are provided through the use of contractors and some services are provided using VPPSA employees and equipment.

VPPSA is governed by a Board of Directors consisting of one representative appointed by each of the member jurisdictions. The Board is responsible for establishing policies and procedures.

The Employee Handbook provides guidelines pertaining to employee rights and responsibilities, personnel policies and procedures and shall apply to all paid employees of VPPSA. This Handbook is subject to revision at any time. All employees will be notified of any changes to the adopted policies and procedures.

The Executive Director is responsible for administration of the policies and procedures adopted by the Board. For situations not specifically addressed in this manual, the Executive Director will provide interpretation and take action in keeping with the intent of these policies and procedures.

**THIS MANUAL IS NOT, AND SHALL NOT BE CONSTRUED AS, AN EXPLICIT OR IMPLIED CONTRACT; SHALL NOT MODIFY ANY EXISTING AT-WILL STATUS VPPSA EMPLOYEE; AND SHALL NOT CREATE ANY DUE PROCESS REQUIREMENT IN EXCESS OF FEDERAL OR STATE CONSTITUTIONAL OR STATUTORY REQUIREMENTS. THE TERM AT-WILL MEANS EMPLOYEES CAN TERMINATE VOLUNTARILY OR BE TERMINATED AT WILL. EXCEPTIONS ARE EMPLOYEES HAVING WRITTEN CONTRACTS SIGNED BY THE EXECUTIVE DIRECTOR.**

## **2.0 Employment.**

### **2.1 EQUAL EMPLOYMENT OPPORTINUTY**

#### **2.1.1 Policy Statement**

It is the policy of VPPSA to provide equal opportunity in employment and to 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. This policy applies to every aspect of employment practices including, but not limited to the following:

- A. Recruiting, hiring, and promoting in all job classifications without regard to race, color, religion, sex, age, gender, gender identity/expression, sexual orientation, national origin, political affiliation, pregnancy, or disability, 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 upon each individual's qualifications for the position to be filled.
- C. Other personnel actions such as compensation, benefits, transfers, layoffs, training, and assignments

#### **2.2 Accommodating Individuals with Disabilities**

In accordance with the Americans with Disabilities Act Amendment Act, VPPSA provides equal employment opportunities to qualified individuals with disabilities. Reasonable accommodations will be provided to a qualified employee or applicant with a disability when that employee or applicant requests an accommodation. A qualified employee or applicant is one who is able to perform the essential functions of the job with or without accommodation. All requests for accommodation will be fully reviewed. A request for an accommodation will be denied if the accommodation is not shown to be effective, places an

undue burden on VPPSA, or if the employee poses a direct threat to the health and safety of them self or others.

### **2.3 No-Harassment/No-Discrimination Policy**

VPPSA will not tolerate any form of harassment or discrimination. In accordance with Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, our No-Harassment/No-Discrimination Policy prohibits harassment, discrimination or intimidation of others based on age, sex, color, race, creed, religion, national origin, gender, gender identity/expression, sexual orientation, ethnicity, pregnancy, childbirth or related medical conditions, disability, political affiliation, marital status, military/veteran status, status in any other group protected by federal or local law or for any other reason.

Harassment includes, but is not limited to, remarks, jokes, written materials, symbols, paraphernalia, clothing or other verbal or physical conduct which may intimidate, ridicule, demean, or belittle a person because of their age, sex, color, race, creed, religion, national origin, ethnicity, pregnancy, childbirth or related medical conditions, disability, gender, gender identity/expressions, sexual orientation, political affiliation, marital status, military/veteran status, or status in another group protected by federal, state or local law.

Sexual harassment includes unwelcome sexual advances; requests for sexual favors; and other verbal or physical conduct of a sexual nature; as well as behavior, remarks, jokes or innuendos that intimidate, ridicule, demean or belittle a person on the basis of their gender; regardless of whether the remarks are sexually provocative or suggestive of sexual acts.

Harassment occurs when:

- Submission to and/or tolerance of the unwelcome conduct is explicitly or implicitly made a term or condition of a person's employment.
- Submission to, tolerance of, and/or rejection of the unwelcome conduct is a basis for employment decisions.

- The unwelcome conduct substantially interferes with a person's work performance and creates an intimidating, hostile, or offensive work environment.

**YOU HAVE THE RESPONSIBILITY TO BRING ANY FORM OF HARASSMENT OR DISCRIMINATION TO OUR ATTENTION.**

All employees are responsible for helping assure that we avoid harassment and discrimination in the workplace. If you experience any problem of this sort, become aware of any other employee experiencing a problem of this sort, or have knowledge of any form of harassment or discrimination, sexual or otherwise, you must immediately report it to your supervisor. If you believe that it would be inappropriate to discuss the matter with your supervisor, or you are uncomfortable discussing the matter with your supervisor, you may elect to bypass your supervisor and report the matter directly to the Executive Director.

All claims of harassment or discrimination will be investigated thoroughly and promptly **WITHOUT CONSEQUENCE TO THE EMPLOYEE EXPERIENCING OR REPORTING THE CONDUCT**. We will endeavor to keep complaints, investigations, and resolutions confidential to the extent possible; however, we cannot compromise our obligation to investigate complaints. The employee who brought the complaint will be provided information on the outcome of the investigation within the limits of confidentiality. A non-employee who subjects an employee to harassment in the workplace will be informed of VPPSA's policy and appropriate actions will be taken to protect the employee from future harassing conduct.

#### **2.4 Retaliation**

Retaliation is illegal and contrary to the policy of VPPSA. Employees who bring complaints of discrimination or who identify potential violations, witnesses interviewed during the investigation, and others who may have opposed discriminatory conduct are protected from retaliatory acts.



If an employee believes that he or she is being retaliated against, a written or verbal report shall be immediately made to the Executive Director. Those who are found to be acting in a retaliatory manner will be disciplined for such conduct.

All VPPSA employees who do not have written employment contracts with VPPSA are “at-will” employees and can voluntarily terminate employment with VPPSA or be terminated by VPPSA at-will, with or without cause or advance notice.

## **2.5 Employment Classifications.**

Each employment position will be classified as one of the following:

### Full-time Positions:

Employees in full-time positions work forty (40) hours or more per week. Full-time positions are funded in the budget and authorized by the VPPSA Board. Full-time employees are eligible for benefits as described herein.

### Part -time Positions:

Employees in part-time positions work a minimum of twenty-four (24) hours per week and less than forty (40) hours per week. Employees filling part-time positions must have an established schedule that is normally worked every week. Part-time employees are eligible for uniforms and some other benefits as noted herein.

### When Actually Employed Positions:

Employees in When Actually Employed (WAE) positions work only as requested and scheduled. WAE employees may work more than forty (40) hours or zero (0) hours in any given week. WAE employees are eligible for some VPPSA-paid benefits as noted herein.

### **2.5.1 Categories of Full-Time Positions**

For the purpose of defining retirement and other benefits, full-time employees are divided into three categories based generally on the hire date of the employee.

Plan 1 – employees with full time hire date before July 1, 2010

Plan 2 - employees with full time hire date of July 1, 2010 and after and before January 1, 2014

Hybrid – employees with full time hire date of January 1, 2014 and after

Specific conditions and details of benefits for employees in each category are presented elsewhere in this handbook.

## **2.6 Employment Process.**

When a position becomes vacant, the Executive Director will determine if the position will be filled using the internal recruitment process or the external recruitment process.

### **2.6.1 Internal Recruitment.**

In those instances where it is determined that employees within the organization may possess the knowledge, skills, and abilities required for the position, recruitment may be restricted to current employees only. When following the internal recruitment process, the job opening must be posted and available for all employees to apply.

VPPSA is not obligated to conduct interviews if it is determined that no suitable applications were received. In addition, VPPSA is not obligated to make an offer of employment if interviews are conducted and it is determined that there are no suitable candidates. In these cases, an external recruiting process will then be followed.

### **2.6.2 External Recruitment.**

In those instances where recruitment is not restricted to within the organization, recruitment will be conducted externally and applications will be received from the general public. Current employees may, and are encouraged to, submit applications when an external recruitment process is followed. All positions being filled will be advertised to the public as deemed appropriate.

### **2.6.3 Receipt of Applications.**

Persons applying for employment with VPPSA will be referred to the Administrative Office, the Field Office, or the Compost Facility. Employment applications will be accepted even when there are no currently available positions. Application must be made on a VPPSA Employment Application form, or by resume, depending on the position as determined by the Executive Director. A current Department of Motor Vehicles (DMV) transcript must be submitted for all positions that will involve operating VPPSA motor vehicles. Applications will

be held for six (6) months and the applicant will be considered if a suitable position becomes available.

Recruitment is not necessary when a position becomes vacant within six (6) months of a previous recruitment effort for a position performing similar duties and there are qualified applicants on file from which to select for employment.

#### **2.6.4 Direct Appointment and Reorganization by the Executive Director**

The Executive Director may directly appoint a current employee to any position without a recruitment process at his sole discretion. The Executive Director may also reorganize staff at his sole discretion to meet the needs of the member cities and counties.

#### **2.7 Employee Appointments.**

Appointment to a particular position will be confirmed in writing through an offer of employment letter from the Executive Director and will include the title of the position to which appointed, the date employment begins, general description of job duties and the stated starting salary.

#### **2.8 Employment of Relatives.**

It is VPPSA's policy that relatives of persons currently employed by VPPSA be hired only if they will not be working directly for, or supervising, a relative. If already employed, they cannot be transferred or promoted into such a relationship.

If a reporting relationship is established after employment, one of the individuals in conflict with this policy will be offered reassignment if a position is available or will be terminated. The person to be reassigned or terminated will be determined by the Executive Director. In other cases where a conflict or the potential for conflict arises, even if there is no reporting relationship involved, the parties may be separated by reassignment or terminated from employment.

For the purposes of this policy, a "relative" is defined to include spouses, parents, children, brothers, sisters, brothers-in-law, sisters-in-law, fathers-in-law, and mothers-in-law, stepparents, stepbrothers, stepsisters, stepchildren, grandparents, and grandchildren. This

policy also applies to individuals who are not legally related but who reside with another employee.

This policy applies to all categories of employment. The Executive Director may, at his sole discretion, however, approve waivers of this policy in cases where the facts clearly demonstrate that no conflict will arise.

## **2.9 Pre-employment Examinations and Background Checks.**

All employees will undergo pre-employment background checks and drug testing in accordance with the Drug-Free Workplace Policy (Section 6.8). Employment is conditional upon favorable results from the drug testing and background checks.

Drug testing and background check results paid for by VPPSA are the property of VPPSA and are to be treated as confidential and held in separate personnel files in the Administrative office.

## **2.10 Immigration Law Compliance.**

VPPSA complies with the Immigration Reform and Control Act of 1986 and is committed to employing only United States citizens and aliens who are authorized to work in the United States.

As a condition of employment, all new employees must properly complete, sign, and date the first section of the Immigration and Naturalization Service Form I-9. Before commencing work, newly rehired employees must also complete the form if they have not previously filed an I-9 with VPPSA, if their previous I-9 is more than three (3) years old, or if their previous I-9 is no longer valid.

## **2.11 Probationary Period.**

All newly hired employees will be subject to a probationary period of six (6) months. The probationary period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The employer uses this period to evaluate employee capabilities, work habits, and overall performance. Either the employee or the employer may

end the employment relationship at will at any time during the probationary period, with or without cause or advance notice.

Employees who are promoted must complete a promotional probationary period of the same length as newly hired employees. During the promotional probationary period, the Executive Director may rescind the promotion and return the employee to his or her former pay rate in either his or her former job or any other job for which qualified. The employer reserves the right to take such action with or without cause or advance notice.

Employees in the promotional probationary status enjoy the same benefits as other employees of the same employment category, with the exception of access to the grievance procedure for purposes of contesting removal of the promotion as set forth herein.

The provision of the probationary period does not negate the at-will status of VPPSA employees. VPPSA may terminate the employment relationship at-will at any time, with or without cause or advance notice.

## **2.12 Outside Employment.**

An employee may hold a job outside of VPPSA as long as he or she satisfactorily performs his or her job responsibilities with VPPSA. Employees should consider the impact outside employment may have on their health and physical endurance. All employees will be judged by the same performance standards and will be subject to the required scheduling demands, regardless of any existing outside work requirements.

Employees may not conduct any type of business, including telephone calls, for any outside employment during VPPSA time.

If the employer determines that an employee's outside work interferes with performance or the ability to meet the requirements of VPPSA's operations as they are modified from time to time, the employee will be asked to terminate the outside employment if he or she wishes to remain with VPPSA.

Outside employment that will present a conflict of interest is prohibited.

## **2.13 Personnel Files.**

Personnel files are the property of VPPSA and access to the information they contain is restricted. The file maintained in the Administrative Office will be the only file which is

considered official and complete in matters relating to employee selections, wage and salary, and employee relations. Only officials and representatives of VPPSA who have a legitimate reason to review information in a personnel file are permitted to do so. With reasonable advance notice, employees may review material in their file, but only in the Administrative Office and in the presence of the individual appointed by VPPSA to maintain the file.

Notwithstanding the above, in accordance with the Virginia Freedom of Information Act, information relating to employees' positions, salaries, and allowances and reimbursement for expenses are available for public inspection. It is the responsibility of all employees to promptly notify the Administrative Office of any changes in personnel data. Personal mailing addresses, telephone numbers, number and name of dependents, individuals to be contacted in the event of an emergency, educational accomplishments, and other such status reports must be accurate and current at all times.

### **3.0 Pay Administration.**

#### **3.1 Salary Ranges**

The VPPSA Board will establish a salary range for each position which will consist of minimum and maximum rates of pay for the position. To determine the salary range, consideration shall be given to prevailing rates for comparable work in other public employment and private business, the current cost of living, and responsibilities of the position. The salary range will be reviewed periodically to determine if salaries of employees are comparable with other area employers. The VPPSA Board may adjust the salary range of any position at any time.

#### **3.2 Appointment Rate.**

Generally, new employees will be paid the minimum rate of pay within the salary range for the position. The minimum rate for each position is based on the assumption that a new employee meets the minimum qualifications stated in the job description.

If it is necessary to appoint a new employee whose qualifications are less than the minimum for a position, such employee may be given trainee status and compensated at a rate less than the minimum rate. When the employee has progressed sufficiently to meet all requirements for the position, the rate of pay may be increased to the minimum rate of pay.

When a prospective employee exceeds the minimum qualifications for a position and market conditions dictate, the Executive Director may approve appointment of the employee at a higher rate of pay. Consideration must be given to qualifications and current salaries of other VPPSA employees in the position being recruited and other similar positions. Appointment above the minimum salary may be made only if it is consistent with the approved project budget.

#### **3.3 Market Adjustments**

The Executive Director may adjust the salary of an individual employee at any time in response to market conditions. Such adjustment may be made only if the adjusted salary is consistent with the total salary figure for the project budget approved by the VPPSA Board. Any adjustment exceeding the approved total salary figure for the project budget must be

approved by the Oversight Committee for project personnel or the VPPSA Board for administrative personnel.

### **3.3 Overtime Pay.**

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. When possible, advance notification of mandatory assignments will be provided. All overtime work must receive the supervisor's prior authorization. Pay for overtime work may be denied if employees have not received prior authorization. Working unauthorized overtime may result in disciplinary action. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

Failure to work assigned overtime may result in disciplinary action.

#### **3.3.1 Eligibility.**

All hourly employees are eligible to receive overtime compensation in the amount of one and one-half (1 1/2) times their regular hourly wage in accordance with federal and state wage and hourly regulations.

#### **3.3.2 Overtime Hours Defined.**

Overtime hours are defined as the total number of hours worked in excess of forty (40) hours in any work week. Hours received for holidays will be counted as hours worked. Time off for sick leave, annual leave, personnel leave, administrative leave, or any other leave will not be considered hours worked for the purposes of determining overtime hours.

#### **3.3.3 Compensatory Time.**

Instead of paying for overtime worked, VPPSA may grant compensatory time off at the rate of one and one-half (1 1/2) times the number of overtime hours worked. Employees may communicate their preference, but the Director of Operations will determine if and when compensatory time will be used in lieu of paying overtime.



### **3.3.4 Exempt Employees.**

Most administrative and supervisory employees have salaried positions and are exempt employees and therefore are not eligible for overtime pay. With the approval of the Executive Director, exempt employees are, however, eligible for compensatory time.

Compensatory time for exempt employees is not a matter of right, never accumulated, and not intended to compensate hour for hour for extended work hours or late meetings. This unstructured concept of compensatory time is in keeping with generally accepted standards and spirit of professional conduct, and not a matter of hourly entitlement.

### **3.4 Performance Appraisals.**

All employees will receive an annual performance appraisal from their immediate supervisor.

The performance appraisal process may not be identical for all positions. Typically, the performance appraisal process will be completed as follows:

- The employee will complete a written self-evaluation.
- The self-evaluation will consider the performance of the employee compared to previously established goals and objectives or performance standards included in the employee's job description.
- The self-evaluation will identify challenges faced by the employee during the performance appraisal period and any actions that can be taken to allow the employee to improve their performance.
- The supervisor will provide a written appraisal considering the self-evaluation prepared by the employee.
- The supervisor and the employee will meet to review and discuss the performance appraisal.
- The supervisor will provide a performance appraisal summary with proposed goals and objectives or performance plan as appropriate.

As a result of the performance appraisal, the employee shall receive an overall performance rating as follows:

- Outstanding: All performance standards consistently surpassed through superior management of normal and unusual situations.
- Exceeds Performance Standard: Performance standards surpassed in some instances through capable management of normal and unusual work situations. Performance consistently exceeds standards.
- Meets Performance Standards: Performance standards are achieved in essentially all areas. Effective handling of normal and unusual work situations. Performance is solid and makes a tangible contribution to the organization.
- Below Performance Standard: Performance fails to meet critical performance standards. Handling of normal and unusual work situations is unsatisfactory, and/or there is no noticeable evidence that needed improvements are taking place after counseling.

### **3.5 Salary Adjustments**

The VPPSA Board will generally consider salary adjustments for employees at the June Board meeting.

The VPPSA Board may grant cost of living increases or merit increases which would be based on the performance rating received during the performance appraisal process. The Board may grant increases in actual dollar amounts, percentages, or a combination. The Board may grant bonuses in lieu of or in addition to salary adjustments.

Typically, salary adjustments will be effective on July 1. Typically, an employee will be eligible for a salary adjustment on July 1 only if they were employed for more than six (6) months. The decision regarding the amount, nature, and timing of salary adjustments rests with the VPPSA Board.

### **3.6 Promotion and Transfer:**

#### **3.6.1 Promotion.**

When an employee is promoted to a position with a higher salary range, the employee's salary will be increased to the minimum rate for the salary range of the new position or by five percent (5%), whichever is greater. Upon promotion, a new probationary period will commence.

### **3.6.2 Transfer/Demotion.**

The pay of an employee transferred to another position with the same salary range will remain unchanged. The pay of an employee demoted to a position with a lower salary range shall be changed to a lower rate within the range for the lower position. The rate of pay will be set by the Executive Director, taking into account the circumstances surrounding, and the reasons for, the demotion.

### **3.7 Temporary Work in Higher Position.**

Employees may be assigned to work in a higher position in a temporary or “acting” capacity. Employees may be so assigned for periods not to exceed 120 days at no increase in pay. For periods exceeding 120 days, a pay differential of not less than five percent (5%) will be added to the employee’s pay retroactive to the starting time in the “acting” capacity. Within these guidelines, the Executive Director will determine the amount of additional pay based on the pay range of the higher position and the particular circumstances of each case.

### **3.8 Exceptional Performance Bonus.**

A bonus may be awarded to an employee displaying exceptionally outstanding or meritorious service. Employees may be recommended for bonuses upon submission of a letter of justification by their supervisor to the Executive Director. The merits of the situation will be evaluated by the Executive Director and the decision to award a bonus rests solely with the Executive Director. Exceptional performance bonuses are a one-time recognition of exceptionally outstanding or meritorious service and will not become part of the employee’s annual or hourly compensation.

### **3.9 Reimbursements.**

If the use of an employee's personal automobile is required for VPPSA business, the employee will be reimbursed at the prevailing rate set by the federal Internal Revenue Service.

Employees attending overnight, out-of-town business will be reimbursed for reasonable costs for transportation, lodging, meals, and other business-related expenses.

#### **4.0 Employee Benefit Programs.**

Benefit programs are offered to VPPSA employees according to employment status. Eligible employees may take advantage of benefits as offered. Cash payments in lieu of benefits will not be provided.

#### **4.1 Retirement, Disability, and Life Insurance.**

All eligible full-time employees are required to participate in the Virginia Retirement System (VRS). VRS provides its members with benefits at retirement or upon disability or death. VRS is funded by contributions from employers and members. Employees become vested and eligible for monthly benefits when five (5) or more years of service credit is accumulated. Details of the VRS program are available from the Administrative office.

The member contribution for retirement benefits is five percent (5%) of annual salary. For employees enrolled in the Plan 1 and Plan 2 retirement programs, VPPSA makes an additional contribution, which is set annually, in addition to the employee share.

Employees enrolled in the VRS program may apply for disability retirement if they become mentally or physically unable to perform their work duties and the disability is likely to be permanent. There is no additional premium for the disability coverage.

Full-time employees receive life insurance through VRS in the amount of two (2) times the employee's base annual salary. Accidental death coverage equals four (4) times the employee's base annual salary. Participation in the life insurance program is mandatory for full-time employees, and VPPSA will deduct the employee's share of the premium based on the current gross annual salary.

Enrollment in VRS begins the first day of the month following the employee's hire date.

#### **4.2 Social Security.**

VPPSA participates in the Federal Social Security System which provides retirement, disability, and survivor benefits. Employee contributions are withheld from the employee's pay and are paid with the employer's contribution as required by federal law. Information on the Social Security System can be obtained from the Social Security Administration.

#### **4.3 Health Insurance.**

All full-time and part-time employees working an average of at least 30 hours per week are eligible to participate in the group health insurance program. Coverage begins the 1st day of the 2nd month following the hire date. Coverage is effective only after enrollment forms are complete and

submitted to the Administrative Office and the entire monthly employee share of the premium has been withheld.

VPPSA will pay a portion of the total monthly premium for group health insurance as set from time to time by the VPPSA Board.

Additional enrollment requirements may be established by the insurance provider. Information is available from the Administrative Office.

#### **4.4 Workers' Compensation.**

All VPPSA employees are covered under the Virginia Workers' Compensation Law for injuries and illnesses incurred on the job. Any employee injured or made ill while performing the job is entitled to receive all necessary medical, surgical, and hospital treatment, as deemed compensable under the Virginia Workers' Compensation Law.

##### **4.4.1 Reporting.**

Regardless of how minor an injury may appear, injured employees must report any accident to their supervisor immediately. Failure to report any incident immediately may lead to loss of benefits or disciplinary action. All supervisors are responsible for the timely completion and submittal of reports.

All claims of injuries/illnesses will be reported to the insurance carrier and reviewed by the insurance carrier to determine if it is a compensable illness/injury. If a claim is deemed non-compensable and the employee disagrees with the insurance carrier's determination, it is the responsibility of the employee to appeal the decision according to the guidelines set by the Virginia Workers' Compensation Commission.

##### **4.4.2 Medical Treatment.**

If an accident results in bodily Injury, the employee shall seek treatment from an authorized Workers Compensation panel physician or an emergency room after notification of the employee's supervisor. A list of authorized panel doctors will be provided by a supervisor. Failure to seek treatment from an authorized physician may result in loss of payment of medical bills.

##### **4.4.3 Incapacity from Work.**

Whether or not an employee returns to work on the date of an accident, no sick or vacation leave shall be charged for that day. A non-exempt employee will be entitled to a full-day of regular pay for the date of the accident, unless the employee is authorized to return to work immediately after seeing a doctor and the employee does not return, whereby the employee would be paid only for hours

worked. An exempt employee will be entitled to a full-day of regular pay for the date of the accident. If an employee loses additional time from work as the result of an accident, sick leave or annual leave will be paid for workdays in the first seven (7) calendar days of disability. The date of the accident is not included in the disability period.

An employee is not entitled to compensation for the first seven days of incapacity resulting from an injury. The seven days is referred to as the waiting period. The seven-day waiting period begins on the first day the employee begins losing time from work due to the injury. If an employee is disabled beyond the seven-day period, compensation begins on the eighth day of disability. If the employee returns to work within the waiting period, he/she is not entitled to lost time benefits. If the employee is disabled for more than twenty-one days (need not be consecutive), they are then entitled to compensation for the seven-day waiting period.

#### **4.4.4 Use of Leave Pending Determination of Compensability.**

If a determination of compensability is pending, an employee may use accrued sick or vacation leave. If the incapacity is ultimately deemed to be compensable and VPPSA receives payment from VPPSA's Workers' Compensation insurance carrier, the employee may be credited for any sick or vacation leave used.

#### **4.4.5 Return to Work.**

All efforts will be made to return employees to work as soon as possible. No employee will be permitted to return to work after having received medical attention without a note from the employee's attending physician certifying the employee's ability to return to work.

An employee incapacitated from regular duties shall accept alternate work duties offered by VPPSA, if made available, provided that the treating physician does not restrict the employee from performing such alternate duties. If an injured employee refuses any suitable employment, he or she shall not be entitled to any compensation at any time during the continuance of such refusal, unless in the opinion of the Industrial Commission, the refusal was justified.

Alternate duty work is always considered temporary work with the goal of returning the employee to original duties. VPPSA may establish time frames for alternate duty work and may re-evaluate the provision of alternate duty work at any time. Alternate duty work will never be considered permanent.

#### **4.5 Deferred Compensation.**

VPPSA has adopted a deferred compensation plan in accordance with Section 457 of the Internal Revenue Code. Deferred compensation is an Internal Revenue Service (IRS) approved method for deferring federal and state income taxes on savings until retirement. Taxes are paid on both savings and earnings when they are withdrawn during retirement, when the employee is presumably in a lower tax bracket.

Employees may start, increase, decrease, stop, and restart contributions by completing the appropriate forms available from the Administrative Office.

#### **4.6 Cafeteria Plan.**

VPPSA has adopted a Cafeteria Plan in accordance with Section 125 of the Internal Revenue Code. The Cafeteria Plan allows health insurance and life insurance premiums, medical and dental expenses, and dependent care expenses to be paid with pre-tax money.

All full-time employees must complete a Cafeteria Plan election form every year before July 1, either electing or declining participation in the Plan.

Changes can be made throughout the year only if there is a change in family status.

#### **4.7 Uniforms.**

Uniforms required by VPPSA will be provided by VPPSA. Employees are expected to maintain uniforms in good condition and to report loss, damage, and shortage promptly.

Uniforms must be worn for VPPSA work only. The employee may pay for additional changes of uniforms through payroll deduction if they so choose. All uniforms must be returned upon termination or the cost will be deducted from the employee's final paycheck, as agreed upon at the time the employee was hired.

Employees required to wear safety shoes during working hours must do so or be subject to disciplinary action. All employees required to wear safety shoes will receive an annual allowance for the purchase of the shoes.

#### **4.8 Tuition Reimbursement Program.**

It is established VPPSA policy to encourage employees to improve their effectiveness by obtaining additional education. This will be accomplished in part through a program of tuition reimbursement.

All full-time employees having been employed for twelve (12) months are eligible to participate in the tuition reimbursement program.



Reimbursement applies to any formal academic course taken for credit or non-credit toward a diploma, certificate, undergraduate, or graduate degree, or for any type of course seminar, workshop, or other program directly related to an individual's job or to a reasonable promotional objective. The Executive Director will make the final decision as to relevance of the course.

Reimbursement will be made only after successful completion of the course. For formal academic courses, only the cost of tuition will be reimbursed. The cost of books, meals, lodging, transportation, and other costs will not be reimbursed. A maximum of six (6) credit hours or two (2) courses will be considered for the reimbursement program at one (1) time. In the case of special seminars or workshops, other expenses may be reimbursed as determined by the Executive Director.

To be eligible for tuition reimbursement, the employee must receive a grade of "B" or better.

All requests for tuition reimbursement must be received and approved prior to registration. Reimbursement will not be allowed for courses or programs which do not have prior approval of the Executive Director.

Approval may be withdrawn by the Executive Director for certain circumstances such as termination, demotion, or reassignment.

Any employee terminating employment within one (1) year after receiving tuition reimbursement must reimburse VPPSA for the full amount received. The Executive Director may waive this requirement under certain circumstances.

## 5.0 Employee Leave Benefits.

It is the policy of the Virginia Peninsulas Public Service Authority to provide employee leave benefits that help meet certain needs of employees and their families. As needed from time to time, interpretations will be provided and exceptions may be made by the Executive Director consistent with policies established by the Board of Directors and applicable laws and regulations.

### 5.1 Holidays.

The following holidays are observed by VPPSA:

New Year's Day	-	1st day in January
Martin Luther King Day	-	3rd Monday in January
Memorial Day	-	Last Monday in May
Juneteenth	-	19th day in June
Independence Day	-	4th day in July
Labor Day	-	1st Monday in September
Thanksgiving Day	-	4th Thursday in November
Friday after Thanksgiving	-	4th Friday in November
Christmas Eve Day	-	24th day of December
Christmas Day	-	25th day of December

The Executive Director may grant administrative leave to VPPSA employees for any additional holidays declared by the Governor of Virginia.

All full-time employees will receive eight hours pay for each observed holiday. Employees who normally work four ten-hour days per week will receive eight hours pay for each observed holiday and will be given the opportunity to work additional hours or take annual leave to total 40 hours for the week.

Holidays will be observed as follows:

- For employees whose normal work week is Monday to Friday, a recognized holiday that falls on Saturday will be observed on the preceding Friday and a recognized holiday that falls on Sunday will be observed on the following Monday.

- For employees whose normal work week is Monday to Saturday, a recognized holiday that falls on Saturday will be observed on that day and a recognized holiday that falls on Sunday will be observed on the following Monday.
  - For employees whose normal work week includes Sunday to Saturday, all recognized holidays will be observed on the actual holiday.
- Part-time employees will receive holiday pay on a prorated basis.

**5.2 Annual Leave.**

Full-time employees accrue annual leave monthly at rates based on length of service as follows:

<u>Service Time</u>	<u>Hours Per Year</u>	<u>Hours Per Month</u>
Up to 5 years	96	8
5 to 10 years	120	10
10 to 15 years	144	12
15 to 20 years	168	14
20 or more years	192	16

Employees will start accruing annual leave at the higher rates on the first day of the month following their anniversary date.

At the end of every fiscal year employees may carry forward any unused annual leave to the following fiscal year. However, employees may not carry forward more than two (2) times the annual leave entitlement. Hours in excess of the allowed carryover amount will be forfeited. Accrued annual leave will not be paid in lieu of time off.

Part-time employees accrue annual leave on a prorated basis.

### **5.3 Sick Leave**

Sick leave is accrued by full-time employees at a rate of eight (8) hours for each completed month of employment.

Sick leave benefits are intended solely to provide income protection in the event of illness, injury, and examinations for health treatment for the employee or an immediate family member, except as specifically noted otherwise herein. For the purpose of this policy “immediate family member” is defined to include spouses, parents, children, brothers, sisters, brothers-in-law, sisters-in-law, fathers-in-law, and mothers-in-law, stepparents, stepbrothers, stepsisters, stepchildren, grandparents, and grandchildren, and those residing in the same household.

Employees are encouraged not to use sick leave for non-emergency medical and dental appointments. A supervisor may deny sick leave for such appointments or for any time it is taken contrary to established policy, whether or not the employee has accrued sick leave.

Three or more consecutive workdays missed for illness will require a physician’s certification verifying illness before sick leave compensation is granted.

Unauthorized or improper use of sick leave shall be cause for disciplinary action.

Part-time employees accrue sick leave on a prorated basis.

#### **5.3.1 Accumulation of Sick Leave**

Full-time employees in the Plan I and Plan II categories and part-time employees may accumulate sick leave with no limit.

Full-time employees in the Hybrid category may accumulate sick leave up to but not to exceed 480 hours.

### **5.4 Personal Leave**

Every year on July 1, all full-time employees with at least one year of service will be credited with 16 hours of personal leave. Full time employees with less than one year of service but more than six months will be credited with 8 hours of personal leave. Full time employees with less than six months of service will not be credited with personal leave. Personal leave may be used in the same manner as annual leave, or as sick leave if sick leave

is not available. Personal leave may not be carried forward. At the end of every fiscal year, all unused personal leave is forfeited

Part time employees will be credited personal leave on a prorated basis, based on length of service as noted above.

### **5.5 Administrative Leave.**

Administrative Leave is time off from work with pay granted by the Executive Director.

### **5.6 Bereavement Leave.**

With prior approval from their supervisor, full-time and part-time employees may use up to four (4) days sick leave in the event of death in the employee's or spouse's immediate family. For the purpose of this policy, immediate family is defined to include spouses, parents, children, brothers, sisters, brothers-in-law, sisters-in-law, fathers-in-law, and mothers-in-law, stepparents, stepbrothers, stepsisters, stepchildren, grandparents, and grandchildren. If additional leave is necessary and approved, it must be charged to annual leave or personal leave, if available. Exceptions to this policy may be granted at the sole discretion of the Executive Director.

### **5.7 Short Term Disability.**

Short term disability is a benefit available to employees enrolled in the Hybrid Retirement Plan. Employees are eligible for benefits on the first day after completion of 12 months of continuous participation in the Virginia Hybrid Retirement program. Short term disability is available to eligible employees who are or will be continuously disabled for at least seven days. Benefits vary depending on the length of service with enrollment in the Virginia Hybrid Retirement program. Additional information regarding the short term disability benefit is available by contacting the Administrative office.

Employees should submit their claim for short term disability as soon as they believe they will be absent from work beyond seven calendar days. If unsure, a claim should be filed as soon as possible. An employee may submit a claim up to four weeks in advance of a planned disability absence, such as childbirth or scheduled surgery. To file a claim for short term disability, the employee must complete an application for benefits which is available by

contacting the Administrative office. The application includes an Authorization to Obtain and Release Information, and an Attending Physician's Statement.

There is a waiting period of 7 calendar days before approved claims are payable. Employees are entitled to use sick leave, or other leave if sick leave is not available, to receive full payment during and up to the first seven calendar days of disability. If incapacity extends beyond that period, benefits will also be paid retroactively for the waiting period.

If benefits are less than 100% of regular pay, the employee can use leave time to supplement these payments but not to exceed 100% of regular pay.

Employees on short term disability maintain full time employment status and will continue to receive VRS service credit. All benefit premiums for retirement, life, health, and the cafeteria plan will be deducted as usual. Leave time will also continue to accrue.

Employees who make contributions to the ICMA 457 plan may stop payments during their disability.

Short Term Disability benefits are taxable and paid by VPPSA, and are processed and paid at the same time as regular payroll.

If an employee needs to transition back to full time work, benefits may continue to be paid but may be reduced by income received for hours worked.

There is a maximum benefit period of 125 work days.

### **5.7.1 Work Related Disabilities**

VPPSA employees are covered under the Virginia Workers' Compensation Law for injuries and illnesses incurred on the job. Short term disability coverage for work-related injuries may also be available depending on the length of service with enrollment in the Virginia Hybrid Retirement program. The coverage is effective on the first day of eligible employment. The work-related injury or illness must be deemed compensable by Virginia Workers' Compensation Law for the employee to receive workers' compensation and short-term disability benefits. Employees must notify their supervisor immediately after a work-related injury and follow VPPSA's established policies and procedures for reporting incidents. There is a waiting period of seven calendar days before approved claims are payable. Employees are entitled to use sick leave, or other leave if sick leave is not available, to receive full payment during and up to the first seven calendar days of disability. If incapacity

extends beyond twenty-one days, disability benefits will also be paid retroactively for the waiting period.

If the short-term disability benefit is greater than the Workers Compensation being received by the employee, then the employee will be paid the difference between the Workers Comp benefit and the disability benefit, so that the total amount being received by the employee from both sources equals the total disability benefit.

If the short-term disability benefit is less than the Workers Compensation being received by the employee, then no short-term disability benefits will be paid.

## **5.8 Family and Medical Leave.**

This policy complies with the Family and Medical Leave Act (FMLA) of 1993 (as revised January 16, 2009). The purpose of this policy is to provide employees with a brief description of their rights and responsibilities under FMLA. This policy summarizes the key provisions of the Act; employees should contact the Administrative office if more detail is needed. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

Employees with more than one (1) year of employment who have worked more than 1250 hours over the preceding twelve (12) months and work for an employer with 50 or more employees are eligible for Family and Medical Leave for:

- the birth of a child and to bond with or care for the newborn child within one year of birth;
- the placement with the employee of a child for adoption or foster care and to care for or bond with the newly placed child within one year of placement;
- to care for the employee's spouse, child, or parent who has a serious health condition;
- a serious health condition that makes the employee unable to perform the essential functions of his or her job;
- any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty"

The employee requesting Family and Medical Leave must provide thirty (30) days advance written notice when the leave is “foreseeable” and may be required to submit medical certification from a physician. The employee must provide sufficient information to allow VPPSA to make the determination that the purpose for the requested leave meets the requirements for FMLA.

Leave taken under FMLA may be paid, unpaid or a combination of paid and unpaid leaves, depending on the circumstances and the employee’s leave balances.

Employees may take intermittent leave or may work a schedule to reduce the usual number of hours per day or work week with prior approval of the employee’s supervisor.

Pre-existing health coverage and life insurance will continue during the leave period at the same cost to the employee. Premium payments will be due monthly, or as arranged.

Upon return from Family and Medical Leave, employees will be restored to the original or equivalent positions with equivalent pay, benefits, and other employment terms.

## **5.9 Jury Duty.**

VPPSA encourages employees to fulfill their civic responsibilities by serving jury duty when required.

Administrative Leave will be granted to full-time employees if called for jury duty.

Employees must present the jury duty summons to their supervisor as soon as possible so that the supervisor can make arrangements to accommodate the employee’s absence. The employee is expected to report for work whenever the court schedule permits.

Employees are entitled to any compensation received from the court as well as their VPPSA leave pay.

## **5.10 Witness Duty**

Employees may use annual leave or personal leave to appear in court under subpoena or on their own behalf in litigation involving personal or private matters.

## **5.11 Military Leave.**

Military leave will be granted to full-time employees to attend federally funded military training duty or if called to active duty with the United States armed services.



Employees required to report for training for any organized US military reserve unit will continue to receive full pay while on leave for a maximum of fifteen (15) days per military fiscal year. Employees may use vacation leave for military leave in excess of ten (10) days.

Employees required under orders to report for active duty in the US armed forces will be given military leave without pay or benefits. Upon discharge from active military duty, the employee will have ninety (90) days in which to apply to the original position, if it exists and is open. If it is not open, the veteran will be offered a position that will provide the same opportunity for advancement and equal monetary reward when such an opening becomes available.

### **5.12 Leave Without Pay.**

A leave of absence without pay may be granted to allow an employee to fulfill certain personal obligations that do not satisfy the requirements for Family and Medical leave.

For a leave of absence without pay of up to fifteen (15) consecutive calendar days, a written request must be submitted to the immediate supervisor for review by the supervisor and the Director of Operations.

For a leave of absence without pay for more than fifteen (15) consecutive calendar days, a written request must be submitted to the Executive Director.

Employees may request a leave of absence without pay only after completing the probationary period for the position.

Requests for leave of absence without pay and extensions will be evaluated based on a number of factors including operational requirements and staffing considerations during the proposed period of absence. Employees must use all accumulated annual leave, personal and sick leave, if appropriate, before requesting a leave of absence without pay.

Employees on leave without pay status for more than one half of the days in any month will not receive service credit for that month. Annual leave and sick leave will not be accrued for any month when an employee is on leave of absence without pay for more than one half of the days in any month.

Employees will be responsible for submitting payment of the employee's share of health insurance premiums not deducted during the leave of absence. For any leave of absence

exceeding thirty (30) consecutive calendar days, employees will be responsible to pay the full cost of health insurance and other benefits.

When the leave period ends, the employee will return to the same position or to a similar one for which qualified. If the previous position, or a comparable one, is not available, an effort will be made to offer another position that is available and suitable. Although every reasonable effort will be made to place an employee at the end of a leave of absence without pay, the employer cannot guarantee reinstatement in all cases.

If an employee fails to report to work at the end of the approved leave period, the employee will be deemed to have resigned.

## **6.0 Work Rules and Policies.**

### **6.1 Work Hours.**

Full-time administrative staff members work a 40-hour week, Monday through Friday. All other full-time employees work a 40-hour week that may include work any day of the week.

### **6.2 Safety.**

VPPSA considers safety of its employees and the general public to be of paramount importance. As an employer, VPPSA recognizes its obligation to provide a safe work environment for its employees. As a governmental organization, it recognizes its responsibility to provide a safe environment for the public it serves.

These broad objectives will only be achieved through an aggressive safety and loss control program. The safety program will consist of the following major components:

- Appointment of a safety coordinator to oversee the program.
- The safety coordinator will direct and assist supervisors in safety matters. However, each supervisor shall be responsible for safety of the personnel and operations under their charge.
- The safety coordinator will chair a safety committee as the primary management vehicle for administering an aggressive safety program. The safety committee will be comprised of representatives from all projects.
- The Executive Director may develop a safety incentive program designed to reward employees who perform their jobs in a safe manner.
- A safety manual shall prescribe in detail the safety program.

Employees required to wear personal protective equipment must do so or be subject to disciplinary action.

All employees are expected to give the safety program their full support and cooperation as a condition of employment.

#### **6.2.1 COVID-19 and Infectious Disease Prevention Plan.**

VPPSA's plan is maintained and updated as required by VOSH.

### **6.3 Smoking Policy.**

All VPPSA offices, facilities and work environments are completely smoke-free. This includes all vehicles, equipment cabs, and buildings. Smoking is not permitted at any time on VPPSA property or in VPPSA – owned equipment.

### **6.4 Open Door Policy.**

VPPSA encourages informal communication between all employees, supervisors, and other management employees. Employees should feel free to approach their supervisors at any time to suggest improvements in job procedures that could benefit the operation and performance of VPPSA or to discuss problems that interfere with the accomplishment of work.

Although concerns should always be presented to the immediate supervisor first and efforts must be made to respect the established chain of command, employees should not hesitate to discuss concerns with other members of VPPSA management, if it is necessary. Such discussions come with a promise of non-retaliation.

### **6.5 Punctuality and Attendance.**

Providing the public with services requires regular and punctual attendance of VPPSA employees.

In order to ensure smooth operations, if an employee is unable to arrive at work on time for any reason, he must notify his supervisor immediately, thereby allowing the supervisor time to rearrange the work schedule with minimum inconvenience. The supervisor needs a minimum of two (2) hours' notice prior to the beginning of the work period, in order to arrange for a replacement.

Unauthorized absence occurs when an employee is absent from the job during a scheduled work period without approval of the immediate supervisor. Calling in does not relieve employees from being subject to the provisions of the unauthorized absence policy. Employees will receive no wage for the time they are out on unauthorized absence and will be subject to disciplinary action.

Any employee absent without authorization for three (3) consecutive workdays may be dismissed.

In cases of family emergencies, employees are not to leave their post unattended unless it is beyond their ability to remain there until their supervisor can arrange for a replacement to cover them. Any employee leaving for a family emergency will need to provide documentation of the emergency in order for the time absent not to be considered unexcused.

In case of emergencies, an employee may be required to work additional hours under emergency conditions. Failure to work additional hours when required, during a declared emergency, shall be considered unauthorized absence.

## **6.6 Political Activity.**

All VPPSA employees are encouraged to exercise their right to vote and to express private opinions of candidates and issues.

### All VPPSA employees may:

- Vote as he or she wishes without fear of recrimination
- Express any personal political opinion in private

### All VPPSA employees may not:

- Solicit funds in any manner from any other employee for any political organization or candidate
- Place political badges or printed matter on VPPSA property or distribute such items on VPPSA property

## **6.7 Emergency Closings.**

During extreme conditions, such as severe weather, fire, flood, or earthquake, circumstances may require the Executive Director to close some or all work facilities. During such periods the Executive Director will determine if conditions are such that any facilities should close and the employees be excused from work.

Employees excused from work for part or all of the day will not suffer any loss of salary or leave time during this period.

If an employee determines that it is unsafe to report to work but has not been excused from work, the employee may take annual leave for that period upon notification of their supervisor.

## **6.8 Drug Free Workplace.**

VPPSA is committed to providing a safe, efficient, and productive work environment for all employees. It is, therefore, the goal of VPPSA to establish and maintain a safe and healthy workplace for its employees, free from drug and alcohol abuse, and to protect the safety of citizens of member communities by providing the highest quality service.

VPPSA is committed to assisting employees who may be experiencing problems with drugs or alcohol. The desire to assist employees does not relieve VPPSA of the responsibility to maintain a drug-free workplace. The use of alcohol, illegal drugs, or the misuse of prescription drugs is not acceptable in the VPPSA workplace. Such behavior seriously affects job performance and can create danger to citizens and co-workers. In addition, the use of illegal drugs is not acceptable at any time or place. The policy and regulations pertaining to a drug-free workplace must be followed by all VPPSA employees.

### **6.8.1 Policy.**

It is the policy of VPPSA that all VPPSA worksites shall be maintained as a drug-free and alcohol-free workplace.

No employee shall unlawfully manufacture, distribute, dispense, possess, or use on or in the workplace any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substance, as defined in Schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. Section 812) and as further defined by federal regulation in 21 CFR Sections 1300.00 through 1300.15.

“Workplace” is defined to mean any site for the performance of work by the employee, including but not limited to any VPPSA building or premise; any VPPSA-owned vehicle; any building or premise used by VPPSA for VPPSA business; and any non-VPPSA property during any VPPSA-sponsored or approved activity, event, or function. “Workplace” also includes all VPPSA-owned property such as, but not limited to, offices, desks, lockers, safes, file cabinets, tool boxes, etc.

As a condition of employment, each employee shall notify his or her supervisor of his or her conviction of any criminal drug statute no later than five (5) days after such conviction.

As a condition of employment, each employee shall abide by the terms of this policy and regulations respecting a drug-free workplace.

All VPPSA worksites and all VPPSA-owned property are subject to drug detection inspection at the discretion of VPPSA.

The possession and/or consumption of illegal drugs or alcoholic beverages in the workplace is prohibited.

Violation of this policy and regulations will result in appropriate disciplinary action up to and including termination.

### **6.8.2 Drug and Alcohol Testing:**

Drug and/or alcohol tests may be required in the following cases:

Pre-employment: As a prequalification to assuming any position, prospective employees are required to provide a body substance sample for drug testing.

Random: VPPSA employees who regularly operate equipment or VPPSA-owned vehicles other than passenger vehicles are subject to random drug testing. Random testing will be conducted at a frequency that would, on the average, test every eligible employee once every three (3) years.

Post-accident: Any employee involved in a serious incident or accident will be required to provide a body substance sample for testing.

Reasonable Suspicion: Any employee may be subjected to a fitness for duty evaluation, including providing a body substance sample for testing if changes in employee performance, appearance, behavior, or speech provide reasonable suspicion of substance abuse.

Return to Work and Follow-up Testing: Any employee who has been authorized to return to work after testing positive for drug or alcohol use may be subject to unannounced testing for a period of twelve (12) months after the return to work.

Refusal to immediately submit to a drug or alcohol test when requested under any of the circumstances above or a verified finding of alcohol or illegal drug use, may result in withdrawal of a conditional offer of employment or disciplinary action up to and including termination.

It is the intent of VPPSA to maintain the confidentiality of all drug and alcohol test results.

### **6.8.3 Guidelines for Reasonable Suspicion Testing:**

The following guidelines are provided as an aid in administering and enforcing the Drug-Free Workplace Policy. They are not meant to cover every situation; however, they are designed to help avoid unfair treatment. These guidelines cannot be used as a substitute for good judgment; each situation must be reviewed on a case-by-case basis. All supervisors must take appropriate action if they have a reasonable suspicion that an employee is under the influence of drugs or alcohol. The following examples, alone or in combination, may comprise reasonable suspicion. These examples are guidelines and are not intended to cover every situation. However, supervisors must respond when they encounter employees with any of the following:

- Unexplained inability to perform normal job functions
- Slurred speech
- Smell of alcohol or drugs on breath
- Any unusual lack of physical coordination or loss of equilibrium
- Unexplained hyperactivity or depression and withdrawal
- Unexplained inability to think or reason at the employee's normal level
- Bizarre behavior
- Possession of alcohol or illegal drugs; or the presence of alcohol, alcohol containers, illegal drugs, or drug paraphernalia in an area subject to the employee's control

If during normal working hours reasonable suspicion is confirmed, the supervisor shall contact the Director of Operations or the Executive Director to discuss the observations and to determine the appropriate course of action. If the employee is to be tested, the employee will be transported to the testing site.



If the employee refuses to be tested, the employee shall be immediately placed on Administrative suspension and transported home. The refusal of an employee to submit to a reasonable suspicion test shall comprise insubordination and may be the basis for discipline up to and including termination.

The supervisor who orders a drug test shall document in writing the conduct giving rise to the reasonable belief of drug use within four (4) hours of the observed behavior. It should include any statements made and any actions taken by any persons involved in the incident. All records should immediately be sent to the Director of Operations or the Executive Director.

#### **6.8.4 Test Procedures.**

The administration of the Drug and Alcohol Testing Program will be in accordance with the Department of Transportation Regulations, Federal Highway Administration, and the Drug-Free Workplace Act of 1986. An evidential breath testing device operated by a trained breath alcohol technician will be used to test for the presence of alcohol. Urinalysis will be used for the detection of controlled substances. All employees tested will be required to sign an authorization and consent form releasing the information to the employer. The testing of the sample will be performed by a laboratory approved by the National Institute on Drug Abuse (NIDA). The panel includes screening for amphetamines, marijuana, cocaine, opium, and phencyclidine (PCP). The cost for all drug tests ordered will be borne by VPPSA except as noted herein.

Any employee subject to testing under this plan will be permitted to provide urine specimens in a manner such that the employee is not observed while actually providing the specimen, unless there is reason to believe that the employee has altered or substituted the urine specimen provided.

Failure to appear for testing without prior notice acceptable to VPPSA will be considered refusal to participate in the testing and will subject the employee to the full range of disciplinary action, including dismissal; or in the case of an applicant, the rescinding of a conditional offer of employment.

When a confirmed positive test result for drugs has been returned by the laboratory, the tested employee will be given an opportunity to provide appropriate and corroborated information to demonstrate the confirmed positive test result is from a legally prescribed

medication or other ingestion. Evidence to justify a positive test result may include, but is not limited to:

- A valid prescription; or
- A verification from the individual's physician verifying a valid prescription

If it is determined that there is a lack of legitimate reason for the positive result, the result will then be considered a verified positive test result.

In the event of a positive, confirmatory test result, which is Gas Chromatography Mass Spectrometry (GCMS), the employee then has the right to select an independent, certified lab to confirm the positive test results within 48 hours at their own expense. If the independent test proves negative, the initial test will be considered negative and VPPSA will reimburse the employee the costs for such test.

The laboratory may disclose laboratory test results only to the Director of Operations or the Executive Director. All drug testing information specifically relating to employees and applicants is confidential and should be treated as such by anyone authorized to review such information. All records and information of any personnel actions taken on employees with verified positive test results shall be maintained in confidential and secured files in the Administrative Office and disseminated only to authorized individuals on a confirmed "need to know" basis as determined by the Executive Director.

#### **6.8.5 Responses to Positive Test Results.**

All employee or prospective employee with positive test results will be given an opportunity to explain or refute the test results.

As a result of a positive test result for any applicant for a position at VPPSA, the offer of employment may be retracted immediately.

As a result of a positive drug test result for any test other than pre-employment, the employee may be terminated.

Employees testing positive for alcohol at a level of 0.04% or greater may be terminated from employment.

Employees testing at a level between 0.02% and 0.039% will be removed from the job and suspended from duty without pay for up to five (5) days. Employees who test again

between 0.02% and 0.039% on return to duty, or at any subsequent follow-up testing, may be terminated from employment.

The presence of any adulterant in the provided specimen or any attempt to adulterate or tamper with a specimen will be considered a positive test result.

## **6.9 Sexual and Other Unlawful Harassment.**

VPPSA is committed to providing a work environment that is free of discrimination and unlawful harassment. Actions, words, jokes, or comments based on an individual's sex, race, ethnicity, age, religion, or any other legally-protected characteristic will not be tolerated. Harassing conduct (both overt and subtle) is a form of employee misconduct that is demeaning to another person, undermines the integrity of the employment relationship, and is strictly prohibited. Offensive conduct, especially among co-workers, usually takes the form of:

- Suggestive remarks
- Teasing or taunting of a sexual nature
- Unwelcome physical contact or sexual advances
- Continual use of offensive language
- Sexual bantering
- Bragging about sexual prowess
- Office or locker-room pinups
- Compliments with sexual overtones

Any employee who wants to report an incident of sexual or other unlawful harassment should promptly report the matter to his or her supervisor. If the supervisor is unavailable or the employee believes it would be inappropriate to contact that person, the employee should immediately contact the Director of Operations. Employees can raise concerns and make reports without fear of reprisal and with the assurance that reporting will remain confidential.

Any supervisor who becomes aware of possible sexual or other unlawful harassment must promptly advise the Executive Director and continue to handle the investigation of the claim and protect the privacy of all parties involved.

Anyone engaging in sexual or other form of unlawful harassment will be subject to disciplinary action up to and including discharge.

## **7.0 Standards of Conduct.**

This policy is intended to keep employees and management equally aware of each employee's responsibility to maintain a positive and productive work environment and to clarify VPPSA's position concerning standards of conduct, appropriate corrective action, and progressive discipline. This is to be accomplished by:

- Establishing a uniform set of guidelines of conduct that are fair and objective.
- Establishing a uniform set of guidelines for correcting and treating unacceptable conduct
- Distinguishing between less serious and more serious action of misconduct
- Providing consistent, appropriate corrective action

## **7.1 Guidelines for Conduct.**

The following general guidelines apply to all VPPSA employees:

### Timely and Regular Attendance:

Since VPPSA provides service to member communities and citizens, timely and regular attendance is mandatory. Planned use of leave time should be arranged with the supervisor in advance. Unexpected need for leave time should be reported as promptly as possible to the supervisor prior to the beginning of the employee's work schedule. The supervisor must approve leave time before it is taken.

### Dependable Application of Time:

Employees are expected to apply themselves to their assigned duties during the full schedule for which they are being compensated, except for reasonable time provided for meals and personal needs.

### Satisfactory Work Performance:

Employees are expected to meet established performance standards. Conditions or circumstances, which prevent employees from performing normally or completing their assigned tasks, should be reported to the supervisor as they become known. Likewise, unclear instructions or procedures should be brought to the attention of the supervisor.

## **7.2 Corrective Action Procedures.**

To effectively correct or address unacceptable conduct and poor performance, disciplinary action will be administered as a progressive process whenever possible. However, certain employee conduct may be so serious that severe disciplinary action, including immediate dismissal, may be required. Disciplinary action may take any of the following forms and is not necessarily restricted to the order set forth below.

- Verbal discussion between the employee and supervisor
- Memorandum to personnel file detailing the offense, disciplinary action, and indicating subsequent disciplinary action that may be administered if future unacceptable conduct or poor performance occurs.
- Suspension without pay.
- Administrative decrease or demotion
- Dismissal

It is important to note that although the process is a progression of increasingly more serious disciplinary actions, each disciplinary action may be used by itself, under certain conditions and will be a part of the progressive process of corrective action.

The following procedures set forth uniform guidelines for determining the severity of unacceptable conduct, poor performance, and corrective action. When a supervisor, after consultation with the Director of Operations, decides that mitigating circumstances exist, corrective action may be reduced or increased. Mitigating circumstances include those conditions related to a given offense that serve to support a reduction or increase of corrective action in the interest of severity, fairness, and objectivity. Mitigating circumstances may include consideration of an employee's length and character of service, severity of the incident, a trend or pattern of prior disciplinary action, disregard for VPPSA policy, or other relevant information.

### **7.2.1 Types of Offenses and Corrective Action.**

The following demonstrates the intent of the policy of applying progressive discipline. The examples included in this policy are not intended to be all inclusive. Conduct which in the judgment of the supervisor, even though not listed, seriously undermines the effectiveness of VPPSA activities or would discredit or injure VPPSA service, should be treated consistent with the provision of this policy.

#### Group One Offenses:

These offenses include those types of behavior less severe in nature, but which require corrective action in the interest of maintaining a well-managed productive work force.

Group One Offenses may include such actions as:

- Abuse of VPPSA time, such as unauthorized time away from the work area
- Failure to notify the supervisor promptly of completion of assigned work
- Conviction of a moving traffic violation while using a VPPSA vehicle
- Inadequate or unsatisfactory job performance
- Minor preventable accidents which result in damage to VPPSA property of less than \$250 and does not result in lost time or personal injury

Corrective action for a Group One Offense must include consultation between the employee and supervisor. Most Group One Offenses require that the supervisor prepare a memorandum describing the offense for inclusion in the employee's personnel file.

#### Group Two Offenses:

Incidents which are more severe in nature constitute Group Two Offenses.

Group Two Offenses may include such actions as:

- Accumulation of three (3) Group One offenses of any kind within any twelve (12) month period
- Failure to follow supervisor's instructions, perform assigned work, or comply with established policy
- Violating safety procedures where there is not a threat to life
- Reporting to work unable to perform duties. The supervisor will be the sole judge of such an occurrence

- Unsatisfactory attendance or excessive tardiness
- Failure to wear proper safety apparel and/or assigned safety equipment
- Failure to immediately report an accident to supervisor
- Smoking in prohibited area
- Use of obscene or abusive language when dealing with the public, coworkers, employees, or supervisors
- Gambling on premises or in equipment
- Preventable accident which results in damage to VPPSA property of more than \$250 or results in personal lost-time injury where there is not a threat to life
- Unauthorized use or misuse of VPPSA property or records

The Director of Operations may issue a disciplinary suspension to an employee for a Group Two Offense. A written notice confirming the cause and nature of suspension, as well as the employee's right to grieve, will be provided to the employee by the Director of Operations. Employees, however, may not be suspended in excess of five (5) workdays for an offense of this nature. Three (3) documented Group Two Offenses of any kind in any twelve (12) month period constitute grounds for termination. Two (2) documented Second Group Offenses may require an administrative decrease or demotion, depending on the circumstances.

#### Group Three Offenses:

The offenses included in this group are most serious in nature. A review by the Executive Director is required before final corrective action is taken.

Group Three Offenses may include actions such as:

- Accumulation of three Group Two Offenses of any kind within any twelve (12) month period.
- Accumulation of unexcused absence, leave, or tardiness
- Falsifying any records such as, but not limited to, vouchers, reports, leave records, time sheets, or other official VPPSA documents

- Willfully or neglectfully damaging or defacing VPPSA, public, or private property
- Theft of VPPSA, public, or private property
- Acts of violence or assault
- Violating safety rules where there is a threat to life
- Direct refusal to follow supervisor's instructions or other acts of insubordination
- Failure to comply with Drug Free Workplace Policy
- Participating in or encouraging any type of work slowdown, sit-down, strike, walk-out, or similar interference with VPPSA operations (as mandated or governed by state law)
- Possession or use of firearms, dangerous weapons, or explosives on VPPSA property or in VPPSA vehicles without the express written consent of supervisor
- Threatening or coercing public, employees, or supervisor in any manner
- Criminal conviction of such a nature that to continue the employee in the assigned position will constitute negligence in regard to VPPSA duties to the public or to VPPSA employees, or make the employee unavailable for work
- Distributing or selling illegal substances on VPPSA property or during work hours
- Possession, use, or sale of alcohol or controlled/illegal substances on VPPSA property or during work hours

Due to the serious nature of Group Three Offenses, a first occurrence normally warrants dismissal. Before final action is taken, the employee will be placed on administrative suspension while the action is being reviewed by the Executive Director. To initiate this review, the supervisor will place the employee on administrative suspension and provide written notice to the Executive Director within twenty-four (24) hours. The final authority for dismissal rests with the Executive Director.



### **7.3 Suspension Provisions.**

#### Administrative Suspension:

Administrative Suspension is removal from the workplace pending completion of an investigation into alleged misconduct or violation of established work rules.

An Administrative Suspension may be issued by a supervisor when he becomes aware of a Group Two Offense. A supervisor must issue an Administrative Suspension when he becomes aware of a Group Three Offense.

When an employee is removed from the work group, pending completion of an investigation into an alleged misconduct or violation of established work rules, such Administrative Suspension will not exceed ten (10) working days.

If the employee is cleared of any alleged violations, the employee will be reinstated and paid for the period of suspension. Where no finding of violation or decision on disciplinary action occurs within ten (10) working days, the employee shall be permitted to return to work and will be paid for the period of suspension, pending a final decision.

If management decides disciplinary action or suspension is warranted, the period of Administrative Suspension will apply to the period of Disciplinary Suspension.

#### Suspension Pending Court Action or Official Investigation:

The Executive Director has the authority to suspend an employee without time limitation, pending completion of Court action or official investigation involving alleged criminal violations that occur on or off the job and are related to job performance or are of such a nature that to continue the employee in the assigned position could constitute negligence in regard to VPPSA duties to the public. Upon the completion of such court action or official investigation, the employee may be disciplined or removed or may be reinstated with full or partial back pay, as the Executive Director determines to be appropriate under the circumstances.

#### Disciplinary Suspension:

Disciplinary Suspension is removal from the workplace for a specified period of time, during which the employee will not be paid.

Only the Director of Operations and Executive Director may issue Disciplinary Suspensions.

#### **7.4 Responsibilities.**

##### Supervisors:

It is the responsibility of the supervisor to assure that corrective actions are timely and consistently applied. It is the responsibility of the supervisor to take fair and objective corrective actions in keeping with the intent of this policy.

##### Director of Operations:

The Director of Operations is responsible for providing guidance and support in all matters concerning standards of conduct and disciplinary actions.

The Director of Operations will issue Disciplinary Suspensions when required.

##### Executive Director:

The Executive Director must review all Group Three Offenses for determination of action to be taken. Only the Executive Director may terminate employment.

#### **7.5 Cyber Security**

If in the course of your normal day to day work assignments you are required to utilize the VPPSA computer system, which provides access to the VPPSA server and provides internet access, the following are the guidelines that must be adhered to and are considered the VPPSA cyber security best practices guidelines:

- Avoid sharing personally identifiable information, like your social security number or credit card numbers.
- Avoid pop-ups, unknown emails, and links
- Password protection will be provided and updated periodically by VPPSA. Never share this password or provide any outside individual or organization access to VPPSA servers.
- In using a VPPSA provided device, only connect to a secure Wi-Fi.

- If access to the VPPSA network at home is required, use only the VPPSA approved portal.

In the event of a breach, a virus, or a lockdown of any individual computer workstation that is not detected and handled by our security system, disconnect the data line and contact your supervisor.

## **8.0 Employment Separation.**

Separation of employment will occur through one of the following:

Resignation: Employment termination initiated by an employee who chooses to leave VPPSA voluntarily. Resignations are considered final when rendered.

Dismissal: Employment termination initiated by VPPSA in accordance with the disciplinary procedures detailed in this handbook.

Layoff: Involuntary employment termination initiated by VPPSA for non-disciplinary reasons, generally due to lack of available work.

Retirement: Service or disability retirement, voluntary or involuntary, from active employment status due to age or disability. The effective date of a service retirement or disability retirement application rendered by an employee will be considered notice of termination of employment with VPPSA.

VPPSA invites exit interviews for terminating employees. The exit interview will afford an opportunity to discuss such issues as employee benefits, conversion privileges, repayment of outstanding debts to VPPSA, or return of employer-owned property. Suggestions, complaints, and questions can also be voiced.

Employee benefits will be affected by employment termination in the following manner. All accrued, vested benefits that are due and applicable will be paid at termination or as soon as practicable thereafter. Some benefits may be continued at the employee's expense if the employee so chooses. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance.

Accrued annual leave and sick leave will be paid at the time of an employee's termination as outlined below if:

- The termination is through resignation, layoff or retirement
- Fourteen (14) calendar days notice is given and completed for non-supervisory employees
- Twenty-eight (28) calendar days notice is given and completed for employees in any supervisory position

<b>Full-Time Service Time</b>	<b>Annual Leave</b>	<b>Sick Leave</b>
Less than one year	0%	0%
One year to five years	100%	10%
Five years to ten years	100%	15%
Ten years to twenty years	100%	20%
More than 20 years	100%	25%

Payment will be made based on the employee's pay rate at the time of termination. No payment will be made for any accrued personal leave.

Employees are responsible for all property, materials, or written information issued to them or in their possession or control. Employees must return all property to VPPSA that is in their possession or control at the time of employment separation, or immediately upon request. Where permitted by applicable laws, VPPSA will withhold from the employee's final paycheck the cost of any items that are not returned when required. VPPSA will also take all actions deemed appropriate to recover or protect its property.

#### Mandatory Retirement

For the safety of employees and the general public, VPPSA has a policy of mandatory retirement for employees in certain positions. All employees who as part of their work, operate wheel loaders or any vehicle requiring a commercial driver's license must retire on the last day of the month of the employee's 68<sup>th</sup> birthday.